CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-02-087

APPLICANT: Department of Transportation (Caltrans)

AGENT: Stephanie Reeder, Aziz Elattar, Ron Kosinski; Stefan Galvez

PROJECT LOCATION: Lincoln Boulevard: between Loyola Marymount University (LMU) Drive (formerly Hughes Terrace) and Fiji Way, Playa Vista, City of Los Angeles; Los Angeles County.

PROJECT DESCRIPTION: Widen Lincoln Boulevard to seven lanes north of LMU Drive and to eight lanes between LMU Drive and Jefferson Boulevard (between LMU Drive and Bluff Creek Drive transition from 7 to 8 lanes). North of Jefferson Boulevard, restripe Lincoln to six lanes between Jefferson Boulevard and Fiji Way; north of Ballona Creek add up to ten feet on eastern side of Lincoln within right-of-way. South of Jefferson Boulevard, add a separate bike/pedestrian path on west side of Lincoln between Bluff Creek Drive and Jefferson Boulevard, a sidewalk on east side of Lincoln between LMU Drive and Jefferson Boulevard, widen 5' shoulders on both sides of Lincoln Blvd. to accommodate bicycles; and improve bus stops on both sides of road. Project requires up to 66,529cubic yards total grading.

SUMMARY OF STAFF RECOMMENDATION.

Staff is recommending that the Commission **APPROVE** the widening with special conditions requiring (1) incorporation of revised median, buffer and off-road bicycle trail as shown on Exhibits 1 and 3; including readjustment of lane width to accommodate on-road bicycle lanes as proposed; (2) landscaping using plant materials common to the Ballona wetlands as generally shown on Exhibit 1; (3) water quality protection during and after construction; (4) control of project lighting; and (5) assumption of the risks posed by natural hazards. These conditions are necessary to achieve consistency with the public access; recreation, habitat; marine resources and development policies of the Coastal Act. After the Commission's initial hearing on the matter, Caltrans revised its plans to increase the buffer between the Playa Vista freshwater marsh and the road. Within this area, Caltrans now proposes an off-road recreational foot/bicycle trail, and additional landscaping to reduce visual impact and to provide habitat. The buffer would include a berm to reduce noise and traffic light impacts on the Freshwater marsh. Finally, Caltrans has changed the road configuration to provide a 24-foot (average) median strip, to reduce the travel lanes to 11 feet, and to widen the outside lane, resulting in an ability to

accommodate on-street bicycle lanes. The increased buffer on the west side of the road and wider median strips will improve views along the highway and potentially provide some bird habitat. These changes would reduce the road's impacts on coastal visual, recreational and habitat resources and conform to the development policies of the Coastal Act.

STAFF NOTES:

A. LOCALLY ISSUED PERMITS UNDER 30600(b). The City of Los Angeles has assumed the responsibility of issuing coastal development permits within its boundaries as permitted in Section 30600(b) of the Coastal Act, which allows local governments to review and issue coastal development permits prior to certification of a Local Coastal Program (LCP). Section 30600(b), however, provides that local governments do not have jurisdiction to issue coastal development permits under this program to public agencies over which they do not normally have permitting authority, such as schools and state agencies. Therefore, unlike many other projects that the Commission has reviewed in the City, this project has not received a coastal development permit from the City of Los Angeles.

Section 30600 states in part:

> **Section 30600**
>
> (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.
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> (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.
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> (2) **A coastal development permit from a local government shall not be required** by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, **or for any development by a public agency for which a local government permit is not otherwise required**. (Emphasis added)

The City of Los Angeles does not have permit jurisdiction over development carried out by the State Department of Transportation elsewhere in the City of Los Angeles. Therefore, the Department of Transportation has applied directly to the Commission for this coastal development permit for the development that is proposed inside the Coastal Zone.

Los Angeles County has a certified Local Coastal Program for the Marina del Rey, which includes Lincoln Boulevard between Fiji way and Route 90. The portions of this road that are located within the certified area of the Marina del Rey LCP are under the jurisdiction of Los Angeles County. Caltrans has withdrawn the portion of this request that applies to improvements located within the permit jurisdiction of Los Angeles County.

APPROVALS RECEIVED:

1. Categorical Exemption CEQA, Caltrans

SUBSTANTIVE FILE DOCUMENTS:

See Appendix

I. STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-02-087 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby **approves** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS.

The permit is approved subject to the following special conditions:

1. FINAL PLANS.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for the review and approval of the Executive Director final engineering drawings for the revised project generally shown in Exhibit 1. Plans shall include eleven-foot travel lanes, except for the curb lane which may be 12 feet wide to accommodate on-street (class I) bicycle lanes, the off road bike/pedestrian trail, and the additional landscaped areas identified in Exhibits 1 and 3.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. LANDSCAPING PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and approval of the Executive Director, a preliminary landscaping plan, generally in conformity with the plan provided by the applicant (Shown in Exhibit 1 noted above.). The plan shall include both a temporary landscaping plan to stabilize slopes during grading and a permanent landscaping plan. No non-native or invasive species shall be employed or allowed to naturalize or persist on the site. Removal and replacement of non-native grasses and weeds already present on the site shall be addressed in a staged program. Within a reasonable time, the non-native grasses on the site shall be replaced with native species compatible with wetland and coastal prairie communities.

1. The landscaping employed on the site shall use, to the maximum extent practicable, plant species commonly found in Ballona Wetland and nearby upland and riparian habitats, and/or use cuttings and seed stock from native plants commonly found in the Ballona Wetland Region.
2. Detailed Plans. After the Executive Director's approval of the preliminary plans for permanent landscaping, the applicant shall provide for the review and approval of the Executive Director detailed plans for permanent landscaping that are consistent with the approved preliminary plans. The detailed plans and notes shall show the locations of plants, the sizes of container plants, density of seeds, if seeds are used, expected sources of seeds and container plants, and a schedule of installation. The plans shall include a statement describing the methods necessary to prepare the site and install and maintain the enhanced and planted areas, and the kinds and frequency of maintenance expected to be necessary in the long term.
3. Seeds and cuttings shall as much as possible be obtained from sources in the immediate area. If sources of cuttings or seeds outside the immediate area are used, the applicant shall describe the locations of the sources, the amount used, and the reasons for their use. The Executive Director shall approve use of such sources.
4. Monitoring. The applicant shall provide a schedule for regular maintenance and monitoring of the site, which shall be no less than four times a year for the first year after initial planting and no less than once a year thereafter for five years. The applicant shall, at the appropriate season, replant to remedy any deficiencies noted in the monitoring reports, and remove any invasive or non-native plants that have established on the site.
5. After the initial five years, the area shall be maintained as required in this coastal development permit according to the normal Caltrans maintenance schedule, but in no event less often than once a year.

6. Definition of invasive plants. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992; those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999; and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service, such as the Ocean Trails list of invasive plants.
7. Manual for Maintenance. In addition to the elements noted above, the applicant shall prepare, as part of its detailed plans, a manual for maintenance methods and a plan for training maintenance employees (and contractors) in the needs of the plants on the plant palette and on the identification of native and invasive plants. Pursuant to this the plan shall include:
   (a) A list of chemicals the applicant proposes to employ and methods for their application. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides – if used – shall be applied by hand application or by other methods that will prevent leakage, percolation or aerial drift into adjacent restoration areas. Pursuant to this requirement the maintenance plan shall include:
   (b) An Integrated Pest Management Program (IPM) shall be designed and implemented for all of the proposed landscaping/planting on the project site. Because the project is located within the immediate watershed of Ballona wetland, alternatives to pesticides including, but not limited to, the following shall be employed as necessary:
      - Bacteria, viruses and insect parasites shall be considered and employed where feasible.
      - Weeding, hoeing and trapping manually.
      - Use of non-toxic, biodegradable, alternative pest control products.
   (c) Where pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the list of pesticides or herbicides and their application methods shall be included in the plans. In using pesticides, the following shall apply:
      (i) All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
      (ii) Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (the Marina del Rey, Ballona wetlands, Ballona Creek and Ballona Creek Estuary) on the California Water Resources Control Board's 1998 Clean Water Act Section

303 (d) list, or those appearing on the 2002 list shall not be employed. In addition to those products on the Section 303(d) list, products that shall not be employed include but are not limited to those containing the following constituents:

- Chem A. (group of pesticides) –
- aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene.
- DDT.

(iii) Herbicides that are not persistent and that are non-toxic to animals (including invertebrates and insects) may be used if approved in advance by the executive director as meeting these criteria.

B. Compliance. The permittee and any contractors shall undertake development and maintenance of the site (including monitoring, maintenance, and training) in accordance with the final approved plan and with this condition. Any proposed changes to the approved final plans or maintenance methods shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. CONSTRUCTION STAGING AND DISTURBANCE PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide, for the review and approval of the Executive Director, a construction disturbance and staging plan that shows all areas in which stockpiling, equipment access, storage, and haul routes will take place. The plan shall indicate that such construction staging area(s) shall not be located in “Area B Playa Vista”, or on other wetlands areas. Wetlands for purposes of this approval are those designated by the United States Army Corps of Engineers, and those State wetlands identified by the Department of Fish and Game.

(1) The plan shall include/require:

(a) Visible hazard fences shall be placed to designate areas where grading shall occur and to designate the approved haul routes. Prior to construction, the applicant shall place sandbags and/or plastic on the outside of the fences to avoid siltation into the wetland and vegetated areas.

(b) A site plan that depicts:

(i) The boundaries of the areas in which staging, stockpiling and hauling shall not take place due to the existence of wetlands or established native shrubs, or the sites status as an area that may be acquired for restoration and habitat purposes.

(ii) Location of construction fencing and temporary job trailers;
(iii) A temporary runoff control plan consistent with Condition 4, below.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. CONSTRUCTION-RELATED EROSION AND SEDIMENT CONTROL PLAN.

A. **PRIOR TO ISSUANCE OF THE PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, an Erosion and Sediment Control Plan outlining appropriate Best Management Practices to limit erosion and sedimentation during construction, such that no measurable sediment escapes into the wetlands, streams or runs off this development site. Before disturbance, all loose asphalt and other debris shall be removed from the site and disposed of in a facility designated for such waste located outside the Coastal Zone. Applicant shall install all appropriate erosion and sediment control Best Management Practices (BMPs) to minimize, to the maximum extent practicable, the erosion and sediment runoff from this development site. Due to the sensitive location of the project, the plan must meet the following criteria:

(1) The plan shall be consistent with the construction staging and disturbance plan required in Special Condition 2.
(2) Construction shall occur in stages that limit the length of time that the soils are uncovered at any one time.
(3) BMPs shall include, but are not limited to, drainage inlet protection, temporary drains and swales, gravel or sandbag barriers, fiber rolls, and silt fencing as appropriate. Applicant must also stabilize any stockpiled fill or cut or fill slopes with geotextiles or mats and close and stabilize open trenches as soon as possible. These erosion control measures shall be installed on the project site prior to or concurrent with the initial grading operations and maintained throughout construction to minimize erosion and sediment runoff waters during construction.
(4) The plan shall also include temporary erosion control measures to be implemented immediately if grading or site preparation should cease and such cessation is likely to extend for a period of more than 30 days. If such cessation occurs, the applicant shall install such stabilization measures immediately upon cessation of grading, but in no event more than 30 days after grading stops. Temporary measures shall include, but are not limited to, stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag and gravel bag barriers, silt fencing; temporary drains and swales; and sediment basins.

(5) BMPs shall not include any erosion or sediment control BMPs that might introduce the threat of invasive or non-native species to the wetlands. Instead, if plantings are used, the applicant and/or its contractors shall specify native plants common to the Ballona Wetlands area consistent with special condition 2.

(6) Given the sensitivity of adjacent habitat, sediment basins are not sufficient to capture sediment. They must be accompanied by more stringent means of controlling sediment in close proximity to marshes and wetlands as identified by the U.S. Army Corps of Engineers and/or the California Department of Fish and Game, or into those former wetland areas identified as (*Ag*)*N* in the Department of Fish and Game's 1983 delineation (Exhibit 27, p5).

(7) No sediment shall be discharged into the restored freshwater marsh, Ballona Creek or the Ballona Wetlands.

(8) Trucks and equipment shall not be allowed to track mud or other materials onto roads per methods outlined in Caltrans BMP CD29A (2), Caltrans Storm Water Quality Handbook, or an equivalent measure required by Los Angeles City Department of Public Works.

(9) The applicant shall test soils for toxicity during excavation according to Department of Toxic Substances Control rules and Regional Water Quality Control Board rules, whichever agency determines it has jurisdiction.

(10) If contaminated soils or associated materials are identified, other than non-water soluble aerially deposited lead, the toxic material shall be removed and transported to an appropriate disposal site approved for contaminants that may be discovered in the material. The site shall be an approved disposal site located outside the coastal zone.

(11) Contaminated soils or associated material excavated shall be stockpiled only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

(12) Aerially deposited lead-contaminated soils or associated material discovered during the excavation of the site shall be handled according to DTSC rules. If the lead is water-soluble, it shall be hauled offsite as indicated in Subsection A11 above. If it is not water-soluble, it may be properly capped and used under the improved roadway, if consistent with DTSC approvals.

(13) Airborne particulates shall be controlled consistent with the rules of the Air Quality Management District.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. CONSTRUCTION AND POST-CONSTRUCTION WATER QUALITY MANAGEMENT PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall provide for the review and written approval of the Executive Director a Water Quality Management Plan (WQMP). This plan shall include a list of best management practices to minimize to the maximum extent practicable the amount of polluted runoff that is discharged into the freshwater marsh, Ballona Creek, the Ballona Wetlands, or any other waterway, including municipal storm sewer systems.

(1) Maintain, to the maximum extent practicable, post-development peak runoff rates at levels that are similar to pre-development levels through the use of the proposed stormwater pretreatment system, which includes bioswales, catch basins, trash racks and solids separators; AND post-development mass pollutant loading and concentration of pollutants shall be significantly reduced from pre-development levels, as proposed. Pursuant to this requirement, the plan shall include:

(2) Construction BMPs

(a) All trash and debris shall be disposed in the proper recycling or trash receptacles at the end of each day.

(b) All stock piles and construction material shall be covered and enclosed on all sides, and in addition, as far away as possible from the identified wetlands, drain inlets, or any other waterway, and shall not be stored in contact with the soil.

(c) Vehicles shall be refueled offsite or in a designated fueling area with a proper suite of BMPs outlined and submitted in the water quality management plan.

(d) Asphalt demolished from the site shall be removed within 48 hours during the rainy season. Asphalt processing for re-use shall not occur on the site.

(e) Vehicles shall not track mud or debris onto roads.

(f) Staging areas shall include impermeable berms to catch fuel spills.

(g) Paving machines shall be parked over drip pans or absorbent materials.

(h) Spills of all solid and liquid materials shall be immediately cleaned up. Contaminated soils and clean-up materials shall be disposed of according to the requirements of this permit and the RWQCB. Dry spills should be swept, not washed or hosed. Wet spills on impermeable surfaces shall be absorbed, and absorbent materials properly disposed. Wet spills on soil shall be dug up and all exposed soils properly disposed.

(i) To prevent contaminants from coming into contact with stormwater runoff, the applicant shall not apply concrete, asphalt, and seal coat during rainstorms.

(j) All storm drain inlets and manholes shall be covered when paving or applying seal coat, tack seal, slurry seal, fog seal, or similar materials.

(k) Any imported fill must be tested for contaminants in advance of importation to the site. No contaminated material from off site may be used on the site.

(3) Post Construction BMPs: As proposed in the "Post Construction Stormwater Quality Management Plan: Lincoln Boulevard expansion: LMU Drive to Jefferson Boulevard" prepared on 14 May, 2002, the applicant shall:

(a) Utilize a BMP treatment train of a solids separator or bioswales and catch basins prior to treatment in the freshwater marsh.

(b) Treat runoff from primarily existing and additional new impervious areas.

(c) Meet or exceed the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Caltrans standards and Coastal Commission water quality standards.

(d) Install an appropriate suite of source control and structural treatment control BMP's to achieve the above-stated goals. Structural treatment control BMP's shall be designed to treat, infiltrate, or filter the amount of stormwater runoff generated by any storm event up to, and including the 85^{th} percentile, 24-hour storm event for volume-based BMP's, and/or the 85^{th} percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMP's.

(e) The WQMP shall indicate how it shall minimize to the maximum extent practicable or eliminate the contribution of 303(d)-listed pollutants (for Ballona Wetlands, The freshwater marsh, Ballona Creek, and Ballona Creek Estuary) from this project.

(f) Install trash screens at all inlets and energy dissipaters, with trash collection at the outlets of all discharge points.

(g) Monitor and maintain all structural and non-structural BMPs prior to the onset of the rainy season and monthly during the rainy season (October 15 through April 1) for the first year after construction is complete. One year after construction is complete, the applicant shall submit, for review and written approval by the Executive Director, a revised monitoring and maintenance schedule proposing, as appropriate, changes to the BMP monitoring and maintenance plan.

(h) Regularly patrol and clean up the area for discarded containers, trash and other materials likely to blow into or otherwise impact the wetlands and waterways.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required

6. PROJECT LIGHTING.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide lighting plans for the review and written approval of the Executive Director. A copy of all federal and state standards for lighting that may apply shall accompany the plans, along with an explanation identifying which standards are mandatory. Unless the mandatory standards applicable to this road require more lighting, the lighting plans shall provide:

(1) Illumination shall be at the lowest levels allowed in mandatory federal and state standards for secondary highways and or intersections.
(2) Where lights are employed, sodium vapor street lamps (HSE) shall be used.
(3) All lights shall be directed so that, as much as possible, spillover outside the right-of-way shall not occur.
(4) Any plan that shows lighting outside of intersections shall be accompanied by a written explanation describing why such lighting is required.
(5) The applicant shall employ flat-faced lighting, shielding, solid or vegetative barriers and other measures to confine lighting within the roadway.
(6) No night work or night construction lighting shall be permitted within the Coastal Zone.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY AGREEMENT.

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from liquefaction, flooding and/or the release of

methane gas; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The proposed project is the second part of a three-part program, two of which are Caltrans projects, to widen Lincoln Boulevard to eight travel lanes consistently between Bluff Creek and Fiji Way to accommodate both existing and expected growth. This particular project "Lincoln Boulevard South " would widen Lincoln Boulevard by adding up to four lanes south of Jefferson Boulevard. It includes minor widening of the shoulder north of Jefferson Boulevard, and restriping Lincoln Boulevard to as many as seven lanes (including turn lanes). Combined with a previous project near the intersection with Jefferson Boulevard it widens Lincoln as much as is possible without removing the three existing bridges that limit widening Lincoln in the Ballona Gap[1]. Caltrans describes this

[1] These bridges include one four-lane bridge that carries Lincoln Boulevard across Ballona Creek, a bridge that carries Culver Boulevard across Lincoln Boulevard and defunct railroad bridge that crosses Lincoln Boulevard and is parallel to the Culver Bridge.

project as containing the following elements:

1. Widening Lincoln to eight lanes between LMU Drive and Jefferson Boulevard (except between LMU Drive and Bluff Creek Drive where it transitions from 7 to 8 lanes);
   1) Restriping Lincoln to six lanes north of Jefferson Boulevard (This restriping would occur in several locations north of Jefferson Boulevard and south of Fiji Way.),
   2) Restriping Lincoln Boulevard from eight to four lanes between Jefferson Boulevard and Ballona Creek in order to taper the road to the Ballona Creek Bridge. (The land east of Lincoln is currently outside the Coastal Zone; and was graded as part of Playa Vista Phase I; Caltrans has corrected an earlier description that suggested additional widening would take place.);
   3) Adding up to ten feet on the eastern side of Lincoln Boulevard north of Ballona Creek between Ballona Creek and Fiji Way within the right of way.
   4) Adding a separate bike/pedestrian path on west side of Lincoln between Bluff Creek Drive and Jefferson Boulevard (bike path would continue on east side of Lincoln to LMU Drive),
   5) Installing a sidewalk on east side of Lincoln between LMU Drive and Jefferson Boulevard,
   6) Widening 5' shoulders on both sides of Lincoln Boulevard to accommodate bicycles, and
   7) Improving bus stops at Jefferson and Lincoln on both sides of road.

The project would include up to 66,529 cubic yards total grading, mostly fill to improve the safety of the curve that traverses the Ballona bluffs. The applicant proposes to move the curve slightly west and to flatten its grade to improve sight distances.

Caltrans now describes the proposed physical improvements in the following way:

> "The present improved width varies from 113 feet including the sidewalk at a location just north of LMU Drive to 75 feet just south of Teale Street. Near Jefferson, where some widening has already occurred, (5-00-139W) the improved width is [now] 130 feet. This area includes no sidewalk. The existing unimproved flat area next to the freshwater marsh varies from 65 feet to 105 feet in width. The proposed improvement width varies. The widening was originally proposed at 152 feet (more or less), with additional width at the turn pockets. The alternative typical section includes a 39- foot multi-use corridor that includes:
>
> - The freshwater marsh interpretive trail (part of freshwater marsh property and not part of right-of-way)
> - A three-foot high landscaped berm
> - A multi-use (bike/pedestrian) trail
> - A three foot wide landscaped strip/bioswale.
>
> Roughly 128 feet is devoted to the following:

- Travel lanes
- Curb & gutter
- Shoulders
- On-street bike lane
- Median
- A 10- foot wide inland-side sidewalk and landscaped strip/bioswale area.

The lanes will be approximately 11 feet wide except for the outside lanes. Those [outside] lanes will be 12 feet plus a 5-foot wide shoulder to accommodate bikes." (Caltrans, 2002)

Most of the work in this project, 5-02-087, will be located south of Jefferson Boulevard, so for convenience, Caltrans identifies this as the "South project". Most of the work in the pending related project, 5-01-450, for convenience identified as the "North project", is located north of Jefferson Boulevard. This and the pending Caltrans project (5-01-450) combined with an earlier project at the Lincoln/Jefferson intersection carried out by Playa Capital (5-00-139W) would widen Lincoln Boulevard between LMU Drive (formerly Hughes Terrace) to Fiji Way to eight lanes. From LMU Drive to Culver Boulevard, the widening is a mitigation measure found in the EIR (and later applied as a condition of tract 49104. See Exhibit 16) for the First Phase Playa Vista project, although Caltrans, the City of Los Angeles Department of Transportation, and the Los Angeles County Department of Public Works have long considered widening Lincoln Boulevard to be necessary to address existing traffic levels.

This and the two related projects will create an eight-lane highway within an approximately 152-foot wide right-of-way from LMU Drive to Fiji Way. As now modified, between LMU Drive and Jefferson, the present project will have a 39 foot multi-use corridor on the west side[2], a 128 foot highway, that would include a 24 foot wide median (narrower at left turn pockets) and a ten foot wide sidewalk and landscaped strip on its east side. As part of its tract conditions, the City has required Playa Capital to dedicate a 28-foot wide light rail corridor just east of the roadway, which the developer has landscaped. The 28 foot wide right of way is outside the right of way considered for this project.

Caltrans describes this project as taking place between Sepulveda Boulevard and Fiji Way, and its companion project, 5-01-450, as taking place between Jefferson Boulevard and Fiji Way. While these descriptions have been confusing, this project, as internally described at Caltrans, includes some repairs and improvements that could be described as "a collection of repairs, widening and changes taking place the between the intersections of Sepulveda Boulevard and Fiji way." Caltrans project descriptions are budget units that include several work projects along a stretch of highway. In the case of Lincoln Boulevard, this practice has resulted in two overlapping projects between Jefferson Boulevard and Fiji Way: this project (5-02-087) and the second project, described as taking place between Jefferson Boulevard and Fiji Way (5-01-450, still

[2] Including areas within the adjoining freshwater marsh property

pending). According to Caltrans, the two projects are designed to function independently, and include two different work programs within the same general area. North of Fiji Way, other projects have added to the width of Lincoln Boulevard to accommodate their traffic. (A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway).

After the February 2002 hearing on this project, the applicant made changes to address public access, public recreation, impacts on a restored wetland/detention basin and the need for public transportation. The applicant has reduced vehicle lane widths, added on- and off-street bicycle trails and bus stops, and widened landscaped buffers.

Lincoln Boulevard is part of Pacific Coast Highway (California Route One), linking Malibu and Route 10 with the Airport and then, as Sepulveda Boulevard, with the South Bay cities. Lincoln Boulevard has traditionally been a four-lane major highway, except adjacent to the Marina del Rey, where it is now widened to eight lanes near the end of the Route 90/Marina Expressway. Lincoln is the westernmost major north-south route in the Venice/Santa Monica/West Los Angeles area. Lincoln is the only continuous north-south route west of the 405 Freeway through all of the aforementioned communities. Formerly, Pacific Ave and Speedway extended from Santa Monica to Playa del Rey, but the construction of the Marina del Rey permanently interrupted this route. East of Lincoln, the Santa Monica Airport and the Santa Monica hills interrupt the north south routes: Centinela/Bundy extends as far north as Sunset, but (1) does not extend south of Jefferson Boulevard west of the 405 Freeway, and, as a result, does not connect with South Bay traffic destinations and (2) is not a direct route. Finally, a significant number of dwelling units would be displaced if the City widened Centinela or Inglewood Boulevards significantly. (For all routes studied, see Exhibit 34.) Playa Vista is already required to make some improvements to Centinela (Exhibit 17). Sepulveda and Sawtelle act as freeway frontage roads. Sepulveda is continuous from Wilmington. Because the Baldwin Hills and Beverly Hills also interrupt north south routes, there are again limitations of north/south routes east of the 405 Freeway. Because of the absence of other continuous routes, Lincoln Boulevard and the 405 Freeway are both very heavily used (Exhibit 1.)

B. PROJECT BACKGROUND/RELATIONSHIP WITH THE CERTIFIED LAND USE PLAN

This project is part of a plan long advocated by Los Angeles City and County transportation planners. It is a major feature of the certified Marina del Rey Ballona Land Use Plan, which the Commission certified in 1984. Caltrans is the applicant for this road widening and is responsible for the construction and project monitoring; Playa Capital is responsible for the design. This particular project is a required mitigation measure for the first phase of the Playa Vista development, but is also a response on the part of Caltrans and other transportation agencies to the degree of crowding that drivers on Lincoln now face, even before completion of Playa Vista's First Phase.

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The Commission initially reviewed road widening plans and future traffic volumes for the Marina del Rey/Ballona area when it certified the Marina del Rey/Ballona Land Use Plan in

1984. The 1984 plan anticipated intense development in the subregion and required major road improvements to accommodate it. Since then, the Commission has increased the number of the peak hour trips that may be generated by new development in Marina del Rey from about 2400 peak hour trips to about 2700 peak hour trips. Traffic generation expected from Playa Vista has remained about the same, although Playa Capital has now proposed a different mix of uses than the Commission reviewed when it certified the Marina del Rey/Ballona Land Use Plan in 1984.

Development approved in the Marina del Rey/Ballona Land Use Plan for both the Marina del Rey and for what is now Playa Vista included:

Development approved in the 1984 certified Marina del Rey/Ballona Land Use Plan

USE	Hotel rooms	Rest-aurant seats	Boat slips	Commer-cial sq. ft.	Marine Commer-cial sq. ft.	Resi-dential units	Office sq. ft.
Marina del Rey	1,800	462	20 acres	14,000	"varies"	1,500	200,000
Playa vista Area A	1,800		26 acres	200,000		1,226	
Playa vista Area B				70,000		2,333	
Playa vista Area C				150,000		2,032	900,000
TOTAL	**3,600**	**462**	**46 acres**	**434,000**		**7,091**	**1,100,000**

Before adopting a plan authorizing this level of development, Los Angeles County required the applicant with the biggest project, Summa Corporation, to prepare an evaluation of the traffic impacts of the development and a list of road widening projects that would accommodate it. In 1992, Los Angeles County accepted a study prepared by Barton Aschman Assoc. for Summa Corporation to address its proposed development. The study took into account development in "areas peripheral to the LCP zone … Inasmuch as this development will have a significant impact on LCP area traffic." The study took into account not only proposals in the Marina del Rey, and Summa's proposals for Playa Vista, but also addressed development in the "Subarea." This development included (1) a major project at the 405, Centinela and Sepulveda Boulevards, (2) 4 million square feet of Airport related commercial and industrial development, (3) 3.6 million square feet of commercial and industrial development in Culver City, and (4) "on the vacant property east of Lincoln and south of Ballona Creek, 3,200 dwelling units, 600 hotel rooms, 3 million square feet of office space and 400,000 square feet of commercial uses" (Playa Vista Area D).

The traffic improvements approved in the Marina del Rey/Ballona and Use Plan to accommodate that development included[3] (Exhibits 23, 24, 25):

1) Widening Lincoln Boulevard to eight lanes;
2) Constructing a four-way loop ramp at Culver and Lincoln Boulevards, lower Culver Boulevard, and bridge Lincoln Boulevard over it;
3) Widening Culver Boulevard to six lanes between Lincoln Boulevard and Vista del Mar; and to eight lanes between Lincoln Boulevard and the Marina Freeway, realigning Culver Boulevard in Area B;
4) Realigning the Culver Boulevard interchange with Jefferson Boulevard.
5) Extending Admiralty Way to the realigned Culver Boulevard;
6) Widening Jefferson Boulevard to six lanes;
7) Extending the Marina Freeway just west of Culver Boulevard with a grade-separated interchange at their intersection;
8) Extending Bay Street north of the Ballona Channel;
9) Building the "Marina Bypass" (a four-lane high-speed road along the Pacific Railroad right of way between Lincoln and Washington Boulevards);
10) Extending Falmouth as a four-lane road to Culver and Jefferson Boulevards.

Many of the proposals in the certified Land Use Plan had been considered by transportation planning agencies for many years. The Barton Aschman report and the submitted LUP cite Caltrans and Los Angeles City and County transportation planners in explaining the choices. [4]

When the City of Los Angeles annexed Areas B and C of the land subject to that plan, the City incorporated most of the traffic improvements into the virtually identical Playa Vista Land Use Plan, which the Commission certified in 1986.[5] With respect to Lincoln Boulevard and associated transportation improvements, the certified Playa Vista LUP states:

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[3]Order changed from LUP presentation to reflect permit applications before the Commission. (See Exhibit 25)

[4] Two of the improvements were since removed from the plan. Falmouth Avenue was removed as a result of the Friends' of Ballona lawsuit because it established a new road in the wetland. The City of Los Angeles withdrew its approval of the Marina Bypass, an unpopular improvement, and approved housing on the proposed right-of-way.

[5] While the City incorporated these street-widening measures into its post annexation LUP, the County did not adopt them for the areas that it retained after annexation. Instead, it adopted a schedule that linked these improvements to stages of development of Area A, which it had retained, to improvements by other Playa Vista project areas and did not include them in its LUP that addressed land uses within the Marina del Rey proper. The County deferred policies addressing widening major streets outside the Marina such as rerouting Culver Boulevard and widening Lincoln as part of the future LCP for Area A, which was then still owned by the owners of Playa Vista. When the County submitted a separate implementation program applying only to the Marina del Rey proper, it included only improvements to streets within the Marina. The Commission, in its suggested modifications, required the County to assess its Marina developers for a fair share of the cost of increasing the capacity of the streets that provide access to the Marina del Rey, such as Lincoln Boulevard.

Page 43, Policy 14. At the Culver and Lincoln Boulevards interchange, Culver Boulevard should be lowered to an at-grade level with Lincoln Boulevard bridged over it; and the following ramps shall be provided:

(a) A loop ramp in the southeast quadrant accommodating eastbound Culver Boulevard to north bound Lincoln Boulevard flow.

(b) A straight ramp in the southeast quadrant accommodating north bound Lincoln to eastbound Culver Boulevard flow.

(c) A loop ramp in the northeast quadrant accommodating westbound Culver to south bound Lincoln Boulevard flow (for reference only, located in Area A).

(d) A straight ramp in the northwest quadrant accommodating southbound Lincoln to westbound Culver Boulevard flow. (Outside City jurisdiction located in Los Angeles County.)

Page 43 policy 15: Widen Lincoln Boulevard to provide an eight-lane facility between Hughes Way [6] and Route 90.

Page 43 policy 16: Jefferson Boulevard will be developed as a basic six-lane facility with an additional eastbound lane between Lincoln Boulevard and Centinela Avenue. (Part of this is outside the coastal zone.)

Page 44, policy 17: Reserve right-of-way for a transit way linkage in the Lincoln Boulevard corridor.

Page 44 policy 18: Extend the Marina Freeway, just east of Culver Boulevard, with a grade-separated interchange at their intersection.

Page 44, policy 19: Extend Bay Street, north of the Ballona Channel as a basic four-lane facility, construct a bridge across the Channel.

In approving the LUP in 1984, the Commission required mass transit in addition to the road widening. After the City of Los Angeles annexed Playa Vista, both jurisdictions submitted Land Use Plans incorporating policies of the certified Land Use Plan that they felt still applied to their jurisdiction. The Commission modified the transportation policy in its 1986 actions on the City and County versions of the same LUP to require only the dedication of a right-of-way and provision of internal jitneys by the developer. In addition, in its 1986 actions, the Commission required that the City and the County plan their transportation improvements together, a policy that the Commission included and strengthened in 1995 when it approved an LCP amendment that allowed higher intensity development in the Marina del Rey.

When the City of Los Angeles reviewed the EIR for the First Phase Playa Vista in the early 1990's, the City based its traffic analysis on the Barton Aschman report and on an

[6] Hughes Terrace is meant and is now identified as Loyola Marymount University (LMU) Drive.

addendum that it had requested. The City required the first phase of many of these adopted LUP "road improvements" as mitigation measures, because they would increase road capacity. All development authorized in the First Phase EIR, with the exception of the freshwater marsh, is located outside the coastal zone, east of Lincoln Boulevard. It included the following development.

	Dwelling units	Retail Sq. ft.	Community serving Sq. ft	Office Industrial Media center sq. ft	Open space other habitat	Wetlands
Phase I	3,246	35,000	120,000	2,077,050 office 1,129,900 studio	26 Acres	26 acres

The traffic analysis of the First Phase Playa Vista EIR describes what were then current traffic volumes in this part of Lincoln Boulevard. Traffic was already heavy in 1990:

Intersection:		1990		1997 without project		1997 with project	
		Volume/ capacity	LOS	Volume/ Capacity	LOS	Volume/ Capacity	LOS
Lincoln/ Manchester	A.M.	0.979	E	1.225	F	1.261	F
	P.M.	1.121	F	1.356	F	1.422	F
Lincoln Jefferson	A.M.	0.971	E	1.274	F	1.454	F
	P.M.	0.967	E	1.334	F	1.547	F
Lincoln/ Maxella	A.M.	0.625	B	0.873	D	0.931	E
	P.M.	0.818	D	1.202	F	1.270	F
Lincoln/ Route 90	A.M.	0.763	C	0.975	E	1.044	F
	P.M.	0.804	D	1.151	F	1.207	F
Lincoln/ Washington	A.M.	0.977	E	1.364	F	1.415	F
	P.M.	1.105	F	1.534	F	1.512	F
Source: Playa Vista Draft First Phase EIR, Pages V.L.1-42 and V.L.-44: Table V.L-I-6							

The EIR anticipated that by 1997, even without the project, traffic levels would exceed level F at several intersections along Lincoln Boulevard. Level F is 100% occupancy. A volume capacity ratio of 1.105 "exceeds " level F, (the most congested level of service, essentially stop and go). With the now approved project, the EIR anticipated that the level of service would be significantly worse (third column). When the City of Los Angeles approved the permit (tract 49104), the City implemented the first phase EIR mitigation measures, requiring the widening that is subject to the present application to partially mitigate the traffic generated by the tract. In addition to ATSAC (speeding up traffic by manipulating traffic light intervals), the City required the applicant to provide the following improvements to Lincoln Boulevard in the Coastal Zone[7]:

[7] All the improvements required for the project as shown in Exhibits 18 -22.

Spelled out in more detail, the conditions that applied to this part of Lincoln Boulevard state:

> "40. Lincoln and Mindanao (restriping and removal of islands, see Exhibits 18-22)
> 42. Lincoln and Teale St.
> (a) . Dedicate property and widen Lincoln Boulevard along the project frontage (both east and west sides from a point approximately 800 feet southerly of the proposed realigned Teale Street centerline to a point approximately 40 feet southerly of the Jefferson Boulevard centerline to Super Major highway standards with a 114 foot road way within a 134-foot right-of-way. However, the applicant has offered to provide a 126-foot roadway within a 152-foot right of way. Relocate and modify traffic signal equipment as required. Lincoln Boulevard is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.
> (b) Dedicate, construct and realign Teale Street east of Lincoln Boulevard to provide an 84-foot roadway within a 108 foot right of way in order to provide two left turn-only lanes, one right turn-only lane and one bike lane in the westbound direction and three through lanes and one bike lane in the eastbound direction.
> (c) Restripe Lincoln Boulevard to provide three through lanes and one shared through/right turn lane in the northbound direction and one left-turn only lane and four through lanes in the southbound direction."

After certification of the EIR, Playa Capital approached Caltrans regarding three improvements to Caltrans facilities required in the EIR mitigation measures: widening Lincoln Boulevard, from LMU Drive to the Culver Loop, increasing the capacity of Jefferson and the Jefferson/405 interchange, and adding high speed surface level ramps at Culver and Route 90 (Marina Freeway). Caltrans responded to the City that they agreed that there needed to be a way to reroute traffic off Lincoln to the east to the 405 Freeway and ultimately the 10 Freeway. However, the geometry of the Jefferson 405 ramps prohibited the improvements that had been suggested (the ramp is too narrow to provide a safe turn with an additional lane.) Caltrans, instead, advocated establishing a parallel north/south route, Bay Street (now known as Playa Vista Drive) that could deliver north south traffic to Culver Boulevard; enhancing the Lincoln/Culver Boulevard loop; and improving the Culver Route 90 interchange as the first step to a full interchange of Route 90 and Culver Boulevard; and, finally; increasing capacity of a north/south street outside the Coastal Zone (Centinela).

Caltrans agreed to the Lincoln widening, noting however that the intersection of Lincoln Boulevard and Washington would still be at level F and above and that there were so many demands on Lincoln from the Airport and other uses that Lincoln would still be severely crowded. Caltrans advised also that the number of bus trips along this route

must be increased to reduce demands on Lincoln Boulevard from Playa Vista and recommended that Playa Vista purchase four buses. (Exhibit 23)

In response to this communication, the City revised its mitigation measures for Phase One Playa Vista in May 1993. The City required more traffic to be diverted to Lincoln/Route 90 instead of to Jefferson/405. That change required the completion of more of the LUP improvements to Lincoln and Route 90 as part of Playa Vista Phase I, adding the Culver/Lincoln Loop Ramp and adding Bay Street to Culver Boulevard as an alternative north-south routes to Lincoln to the Phase One mitigation measures. The City also adopted strict transportation demand management measures. The required road projects were to be staged along with six identified stages of construction (Exhibits15 and 17). Lincoln Boulevard improved to eight lanes is one of the first mitigation measures discussed in the EIR that the adopted tract conditions and Mitigation Measures for Vesting Tentative Tract 49104 require to be completed. (See Exhibits 15-23)

When the City modified the project to allow the Entertainment Media and Technology District (EMT) in part of Tract 49104 (as Tentative Tract 52092), the City adopted a negative declaration to analyze the impacts of the change and propose any necessary changes to the identified mitigation measures. In approving the new tract, City changed the staging of these street widening projects and traffic light improvements but left them essentially the same. The purpose of these traffic mitigation measures is to mitigate the impacts of the first phase of Playa Vista. Other measures were anticipated if the City approves the second phase. All elements of this present project 5-02-087 are first phase mitigation measures but this project alone will not provide all the widening that the Phase I EIR identifies and the City has required in its tract approvals. It does not include other measures that the Commission has considered in other applications.

As finally amended, the Phase One traffic mitigation measures affecting Lincoln and as imposed as conditions of Tract 49104 (or as amended when the City approved recycling of the Hughes factory as a studio --Tract 52092) include:

Improvements to Lincoln Boulevard	City phase	Coastal develop-ment permit	Status of CDP
Connect north bound Lincoln to eastbound Culver	1A	5-01-382	Approved w/conds
Widen a portion of east side of Ballona Creek bridge, (subsequently removed by City)	1A	5-01-450	Pending
Lincoln/Jefferson northeast and southeast quadrant only	1A	5-00-139W	Approved
Funding for design of Lincoln ATSAC improvements.	1A	Exempt	
Lincoln/Jefferson complete intersection improvements	1B	5-02-087	7/02
Widen Lincoln to provide 4 northbound and 3 south	1B	5-02-087	7/02

bound lanes between Hughes Terrace and Jefferson Boulevard			
Widen Lincoln to provide 4 north bound and 3 south bound lanes between "north of Jefferson Boulevard" and Ballona Creek Bridge	1C	5-02-087& 5-00-139W	7/02 Approved
Add a third northbound lane on Lincoln Boulevard between Culver connector and Fiji Way	1C	5-01-450	Pending
Lincoln Mindanao (add lane)	1C	LA County	
Provision and operation of 2 transit vehicles on Lincoln	1D	Exempt	
Widening Lincoln outside coastal zone in Westchester	1D	No CDP required	
Provide two additional buses for Lincoln Boulevard	1E	Exempt	

This is one of several coastal zone road construction projects required by the First Phase Playa Vista EIR. The Commission has reviewed several, approved three, and will be reviewing others in the future. There are two Caltrans projects among these mitigation requirements:

1. This present project: Widening Lincoln to 8 lanes south of Jefferson Boulevard project with minor widening as far north as Fiji Way. CDP 5-02-087.
2. (Design and contribute to the construction of a grade-separated interchange at the Marina Freeway and Culver Boulevard. 5-01-432 (Approved by the Commission in June, 2002 with conditions.)

Under a separate application, Caltrans is proposing to enhance the increased traffic capacity expected from the Playa Vista first phase mitigation measures. Caltrans proposes to expand the Ballona Creek Bridge, to replace the Culver Boulevard overcrossing) and to demolish a disused railroad overcrossing over Lincoln Boulevard. The project will allow Lincoln to be expanded to an eight-lane highway from Teale Street (Playa Vista Area D) to Fiji Way:

1. Replace the four-lane Lincoln Boulevard Bridge over Ballona Creek with an eight-lane bridge; widen Lincoln Boulevard north of Jefferson Boulevard from four to eight lanes up to Fiji Way. Caltrans # 166051/61/71OUI; CDP 5-01-450

Playa Vista has also carried out minor intersection and traffic improvements elsewhere, and will, in the near future, realign/increase the capacities of the intersections of Vista del Mar and Culver Boulevard and Nicholson and Culver Boulevard in Playa del Rey. The complete list of traffic improvements that the City has required Playa Vista to carry out to mitigate its first phase is provided in Exhibits 15 and 17.

Thus, there is an adopted Land use Plan that incorporated a traffic plan for this part of the Los Angeles county coastline along with a plan for the intense development that required

the roads. This road is necessary to accommodate development located outside the coastal zone that the City of Los Angeles and other jurisdictions have already approved. The City and Caltrans determined that it is necessary to accommodate that development. The road widening is part of a larger transportation plan to accommodate high levels of development inside and outside the Coastal Zone. The standard of review is not traffic efficiency. Even if the road relieves congestion outside the Coastal Zone or on other roads within the Coastal Zone, it is not exempt from a requirement that it minimize impacts to habitat, views, public access and recreation. The standard of review for the Commission is the consistency of the project with the Coastal Act, not the need for the project to complete a transportation plan.

C. DEVELOPMENT

The Coastal Act provides standards that the Commission must use in approving development. Section 30250 requires that development generally be sited and designed in existing developed areas (or in close proximity thereto), where possible, to minimize development in relatively untouched rural areas. Section 30252 encourages investigations of other modes of travel to reduce competition for coastal access roads.

Section 30252.

> The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Based on these provisions of the Coastal Act, the Commission and City of Los Angeles have approved coastal development permits for high-density projects in the immediate area of the proposed project. These include projects adjacent to Lincoln Boulevard in Marina del Rey and the Palms District of the City of Los Angeles, as well as directly east of Lincoln Boulevard, (also see above and the Substantive File documents). In addition there were projects approved outside the coastal zone that also had impacts on traffic (Such as Culver City's approval of Costco at Lincoln and Washington.) All these projects that the Commission approved, along with projects outside the Coastal Zone, have individually and cumulatively, contributed to the increasing levels of traffic on Lincoln Boulevard, Washington Boulevard, Mindanao, Culver Boulevard and the Marina Freeway.

(Most notably the Commission found no substantial issue raised by two City of Los Angeles-approved projects: one that included a 334 unit (moderate income) apartment building and a 166 unit building; the other included 800 (moderate income) apartments and two 16 story towers providing 512 condominiums on an 18.9 acre site. Both projects were located on Lincoln Boulevard. (See Substantive File documents above for the numbers of the two appeals.)

The Coastal Act provides that development must not overload coastal access routes. The studies by Barton Aschman considered two ways to reach this goal: an alternative, lower level of development with less road widening and an alternative higher level of development with more road widening. In 1983, Los Angeles County submitted an LUP, which the Commission certified in 1984, that showed intense development accompanied with an integrated system of road widening. The integrated system of road widening was designed to accommodate development that was proposed both inside and outside of the Coastal Zone. According to the report, the road widening would accommodate the proposed development and the traffic from related projects.

In approving the Marina del Rey Ballona LUP in 1984, the Commission considered the ability of the area to accommodate the high densities proposed. In the section of its approval relating to the analysis of wetland and habitat issues, the Commission considered the location of development on this site in relation to the sensitive areas of the site and in relation to necessary buffers. Its analysis of the ability of the area to accommodate the development consisted of an analysis of the ability of the traffic infrastructure either to accommodate development or to be widened in order to accommodate the increased development. In analyzing these issues, the Commission considered numerous reports on the capacity of neighboring streets, determining that multiple actions would be necessary to adequately accommodate the traffic generated by the development. The Commission required the LUP road widening improvements as part of the LUP findings that these projects were necessary for consistency with the development policies of the Coastal Act. While it has been suggested that Playa Vista should be analyzed as step-out development, due to resource impacts, the Commission did not take that approach when it approved the Land Use Plan. Step-out development is development (the term is usually applied to a subdivision) that is not contiguous to developed areas and that requires extension of arterials into previously undeveloped areas, “opening up” areas between the new development and the previously developed community to pressures for additional subdivision. Instead, in certifying the Marina del Rey Land Use Plan, the Commission analyzed whether the roads could accommodate development and the location of development with respect to what the Commission was then told were wetlands or sensitive resource areas.

In 1987, the Commission reiterated its approval of the Marina del Rey/Ballona LUP when it approved Land Use Plans applying to the same areas after the City of Los Angeles annexed Playa Vista. These applied to the City and County areas of the Marina del Rey and Playa Vista (Marina del Rey LUP 1987, Playa Vista LUP, 1987.) In 1995, the Commission approved an amended LCP for the Marina del Rey that would result in 2,712

daily peak hour trips and would include multi-story development on most residential parcels.

In effect, the Commission's assumption has been that development and the concentrated infrastructure to serve it would be located in Los Angeles and not in more remote areas along the coast. All of these approvals presumed that if the new development were approved, in order to serve the new development it would be necessary to expand the infrastructure serving the Marina del Rey Playa Vista area, including Lincoln, Culver, Jefferson, Washington and Venice Boulevards. (Exhibit 27.)[8] Irrespective of the impact expected from these projects, numerous other projects over the years have increased traffic levels on Lincoln Boulevard, which is now at level of service (LOS) F (stop and go) during evening and morning peak hours at certain key intersections

Part of the thinking in approving higher density development in some areas is the theory that higher density development could support transit alternatives as required in Section 30252. In addition to allowing high-density development and providing lists of road improvements, the Marina del Rey Ballona LUP (1984) and its successors required the development of mass transit alternatives. LUP policies required that some form of transit be part of the transportation improvement package. The 1987 Marina del Rey LUP and the related Playa Vista LUP require (1) development of jitney systems integrated between the City areas, County areas, Playa del Rey and Venice, (2) development of park-and-ride lots for commuter express buses that would travel to Downtown Los Angeles, and (3) reservation of right-of-way along Lincoln Boulevard for a transit way. However, the transportation improvements that the Commission has actually reviewed to date consist of only road widening projects. According to the applicant, Playa Vista has recorded an offer to dedicate a transit right of way to the east of Lincoln Boulevard. There is no immediate program to develop use of the right of way, but it is available if it is needed in the future.

The mitigation measures for the First Phase EIR/EIS for Playa Vista do require internal transit, transportation management, and include methods to encourage residents to seek jobs in the project and to encourage commuting employees to use transit. As part of tract 49104, the applicant dedicated a 28-foot wide transit way in Area D, Playa Vista, east of the coastal zone. Other transportation improvement methods that Playa Vista and the other large projects have been required to undertake include funding methods to increase the number of cars on existing streets by synchronizing signals in order to increase volumes and speeds. The City has also required jitneys within Playa Vista and Transportation Demand Management. Transit under consideration by both Playa Vista and the Department of Beaches and Harbors consists of jitneys and other short haul buses, but few long haul improvements that might accommodate the ten to fifteen mile work trip that the average Los Angeles resident makes. Culver Boulevard is the site of a

[8] The plans involved some development on filled wetlands, and consolidation of development on some parts of the property balancing restoration elsewhere on the property.. The plan approvals were granted before the courts issued the 1999 Bolsa Chica decision, Bolsa Chica Land Trust v. Superior Court (1999) 71 Cal. App.4th 493. However, the general level of development envisioned was very high, limited, according to the staff report by the capacity of the roads in the area to be expanded to accommodate it.

former railroad right-of-way that extends west and south though the wetlands and then south through the South Bay. There is no analysis in the Playa Vista EIR of methods for using this older right-of-way for a dedicated transit way or for other alternative transportation. Most likely Culver Boulevard will be used for high-speed buses along the existing improved highway. Even though high-speed bus ways and light rails have been constructed and operate successfully elsewhere in the City, it is still assumed that the likely riders would not constitute a high enough fraction of the commuters trying to reach Playa Vista to make mass transit an effective alternative to wider roads.

At the February, 2002, Commission hearing, several Commissioners raised questions concerning alternative transportation, and concerns that physical roadway improvements also include widening of bus and bicycle lanes. In response to this, the applicant has changed its project to accommodate other transportation modes. It has added bus stops along both sides of Lincoln Boulevard, an off street recreational bicycle/jogging trail and on-street commuter bicycle lanes. (Exhibits 1, 4-7)

Secondly, while a north-south route can carry additional traffic, if Lincoln is widened and managed as an ultra high-speed highway, the newly widened highway might reduce access from east to west. A road of this width and speed is a barrier for pedestrians and bicyclists unless measures are taken to improve access across the road. Many coastal access routes cross Lincoln Boulevard. Bicycle clubs presently use Jefferson Boulevard as a route to the South Bay Bicycle Trail[9]. Mindanao is used as the principal entrance to the Marina del Rey. Venice and Washington Boulevards, that are located north of the project area, are other important coastal access routes. In the approximately 1.5 mile stretch of this project that is located in the coastal zone, there are four places to cross Lincoln Boulevard at traffic signals and one place to cross under it along the creek bank (the Ballona Creek bike path). There are signalized intersections located at Fiji Way, Mindanao Way, Jefferson Boulevard, and LMU Drive. The applicant proposes lights at Teale Street (Bluff Creek Drive). It is not possible to cross at Culver Boulevard. The Ballona Creek Bike Path passes under the bridge at Ballona Creek and connects to the South Bay Bicycle Path. To the extent that widening of the road is coupled with synchronized high-speed signals, Lincoln Boulevard would become more forbidding to pedestrians. However, these technical innovations can also be used to improve public access.

The Commission understands that wider lanes are safer at higher speeds, but nearby cities limit speeds for safety reasons and make a more efficient, pedestrian oriented use of space. Just north of this project, in the Marina del Rey and Venice, the road provides only two travel lanes each way, plus turn pockets, and the lanes are between nine and ten feet wide. After the proposed widening is complete, Lincoln Boulevard through Westchester,

[9] The South Bay Bicycle Trail, operated by Los Angeles County, extends from the beach at Playa del Rey along the beaches to Torrance Beach, where it ends at the bluffs. A similar bicycle trail extends from Venice to the Pacific Palisades. There is a connection along Washington Boulevard and then through the Marina del Rey, but there is no way across the Marina del Rey Entrance Channel. The only alternative is to go around the Marina and use the bridge at Lincoln Boulevard. The bridge over Ballona Creek near the mouth of the entrance channel does not cross the entrance channel.

the community directly to the south, will provide 10-foot lanes. As now proposed, this section of Lincoln Boulevard would provide the pedestrian and bicycle amenities appropriate to high-density development. Traffic lights can, for example to be set to work differently at different times of the day or year. The widths of roadway features have been adjusted to provide more space for pedestrians. For while there are few pedestrians at present, with the development of the First Phase Playa Vista, more pedestrians will appear. In response to these concerns, Caltrans now proposes to limit on-road travel lanes to 11 feet, to limit speeds to 45 mile per hour and to provide signalized intersections at Bluff Drive and at Jefferson Boulevard and other amenities, as described elsewhere in this report.

As now planned the project is consistent with the provisions of the Coastal Act that require development to be located in close proximity to existing developed areas able to accommodate it, and also maintains public access to the coast by facilitating the provision of transit service and providing for non-automobile circulation, consistent with Sections 30250 and 30252.

D. PUBLIC SHORELINE ACCESS AND RECREATION

Section 30210 requires that maximum access to the coast be provided. Section 30212 requires that access to the coast shall be provided in new development (a major road is new development) except where otherwise specified. Section 30223 requires the reservation of upland areas that are necessary to support coastal recreation, and Section 30240(b) requires in part that:

> "Development in areas adjacent to environmentally sensitive habitat areas and parks … shall be compatible with the continuance of those habitat and recreation areas." (Emphasis added)

The project will allow increased speed and volume on a north/south traffic route that delivers beach goers to the Venice and Playa del Rey beaches and to Marina del Rey and distributes visitors farther south into the South Bay.[10] Although the project is designed to reduce congestion on Lincoln Boulevard during peak commuter hours, it can and will serve to improve vehicular access to the coast on weekends as well. However, due to the width of the road and the speed of the traffic that will be on Lincoln, it is also a barrier for pedestrians and bicyclists. There are methods to reduce the barrier function of the road for pedestrians and cyclists, which Caltrans has now incorporated into the project. These include (1) sidewalks (2) landscaping (3) wider sidewalks near bus stops and bus rest areas, (4) timing of signals so that they allow additional time to cross the road (5) adjusting signals outside of commuter time to favor turning and pedestrians (6) on street bike routes and an off street bicycle/jogging trail. Opponents suggest enlarging the culverts under

[10] The South Bay comprises the Cities El Segundo, Manhattan Beach, Hermosa Beach and Redondo Beach and cities located directly inland of them such as Lawndale and Lomita. These cities are inland of Santa Monica Bay, which extends from Point Dume to the Palos Verdes Peninsula.

Lincoln Boulevard to accommodate pedestrians. While seeing the jogging/bike trail as a good first step, opponents suggest extending the trail up the slope south of bluff creek drive and considering options to provide public parking.

The land west of and adjacent to this roadway is being restored as a freshwater marsh/retention basin. The land immediately north of Jefferson Boulevard and west of Lincoln Boulevard may be acquired and restored as wetland habitat. There is a conflict between Lincoln Boulevard's role as a major highway and providing access to parks and views of the restored wetland. As noted above, the applicant has now changed this project to address public access and recreation issues. The applicant further points out that the road design speed is 45 miles per hour, enforced through signals at Jefferson and Bluff Creek Drive. The jogging /bike trial crosses Lincoln at Bluff Creek Drive because the slope south of that point is too steep to accommodate bicycles.

Section 30240(b) requires that development adjacent to parks and habitat areas be sited and designed to prevent impacts that would degrade these areas and be compatible with the continuance of those habitat and recreation areas. A barrier that prevents access to such an area is not compatible with its continuance as a recreation area. A roadway directly adjacent to a habitat or park must function differently from a roadway that is essentially a barrier, as are many urban freeways, by allowing pedestrian access across and along the road, and by limiting lights, noise and other disturbances (see Exhibit 5).

As originally designed, the basis of the conflict with park use and public access, however, was the scale of the widened road and the speed of the traffic that it will accommodate. The project, as redesigned, employs 11-foot wide lanes, which would provide room for these other uses and for additional landscaping. The project now provides a combined bicycle/jogging trail on the west side of Lincoln linked to signalized intersections. The trail begins on the east side of Lincoln at Loyola Marymount University, crosses Lincoln at Bluff Creek Drive, and then continues to Jefferson. The trail is about ten feet wide and is nearly adjacent to Lincoln Boulevard. On the southern end of the trail, it is located down slope of Lincoln and overlooks the freshwater marsh. As Lincoln and the trail level out, the multi-use trail is located below the top of a three-foot berm and is set back two feet from the base of the berm. (See Exhibits 1, 4-7.) The trail is 10 feet east of the top of the berm, which slopes up at a 2:1 slope. This trail (along with the bicycle/jogging trail proposed in the related project 5-01-450) would provide a recreational link to the Ballona Creek Bike Path. This trail is separate from the on-road bike path that that would be available to bicyclists who commute, but would serve people who ordinarily use the bike path, such as families with children, roller skaters, joggers and the like enabling them eventually to travel off Lincoln to the Ballona Creek Bike path, or in the short term, Jefferson Boulevard. As proposed, this development includes a recreational component that links with other recreational facilities in the area and is consistent with the recreation and access policies of the Coastal Act.

E. WETLANDS AND OTHER SENSITIVE HABITAT AREAS.

Section 30233 of the Coastal Act limits fill in wetlands except for certain purposes. Sections 30231 and 30240 protect the productivity of habitat areas. The applicant proposes to construct this road widening in an area that includes 0.15 acres of filled former wetlands. The Commission permitted the fill under permit 5-91-463 (Maguire Thomas Playa Vista) to create a facility designed to collect the runoff from the impervious surfaces of the newly developed Playa Vista development before fresh urban runoff from the newly developed areas could reduce the salinity of the wetlands. The project is designed to function both as a water quality filtration facility and as a freshwater marsh, providing willow and other bird habitat.

The proposed project would widen Lincoln Boulevard (and associated trails and landscaping) over a 65-105 foot wide area located between the freshwater marsh and the present pavement. The area extends west of the present pavement, to the toe of the berm of the freshwater marsh approved in 5-91-463. The eastern edge of the Lincoln Boulevard right of way marks the edge of the coastal zone. A site visit confirmed that there is presently fill on the right of way between the existing line of pavement and the toe of the berm supporting the freshwater marsh. As noted elsewhere, the grading and fill was part of the Commission's approval of CDP 5-91-463. Some of the area disturbed for that permit was wetland. (See Exhibits 14 and 15.) Dr. John Dixon, the Commission staff Biologist visited the site on September 18, 2001. His opinion is the following:

> **"Lincoln widening**: There was no evidence of wetlands within the area proposed for street widening. On the east side of Lincoln there is no or very little widening and related disturbance planned. In any event, the area adjacent to the street appears to be fill that is formed into a berm along much of the corridor, and all the vegetation appears to be ruderal and upland. We viewed this area [east of Lincoln] through a chain link fence. On the west side of Lincoln, the entire corridor has been graded as part of the construction of the new detention basins. I have not researched the historical extent of wetlands in this area. (Dr. John Dixon, Coastal Commission Senior Biologist.)"

This road expansion will place additional fill on and adjacent to the area that the Corps and the Commission approved to be filled as part of the freshwater marsh project. The fill for this project will extend almost to the toe of the wetland berm. In its application for this road, Caltrans indicated that Caltrans proposes no wetland fill as part of the present project. While the project raises other potential issues concerning compatibility with adjacent habitat areas, it does not include additional wetland fill and is not inconsistent with Section 30233 of the Coastal Act.

F. ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND AREAS ADJACENT TO PARKS.

The Coastal Act contains strong provisions for the protection of the biological productivity of environmentally sensitive habitat areas.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

This project is adjacent to the freshwater marsh, an area that is being constructed as a combined flood retention basin and habitat area. The intention is that the freshwater marsh will support willow wetland habitat. Playa Vista presented the marsh to the Commission as potential mitigation bank for wetland fill proposed elsewhere in the project. The same concerns about compatibility with habitat exist that would exist if the marsh were natural. Issues of compatibility with habitat involve noise, lightning and water quality.

The Commission has received extensive materials regarding the effects of lighting and traffic noise on marsh and habitat areas (Exhibit 5). Increasing lighting levels and moving the edge of the pavement 70 feet toward the freshwater marsh will, based on papers that the Commission has reviewed, most likely have impacts on the feeding, nesting and breeding behavior of animals that depend on the diurnal cycle of light and darkness.

In response to these concerns, in order to shield the freshwater marsh from headlights and traffic noise the applicant has moved the western edge of the roadway to roughly 39 feet east of the top of the berm that is located along the marsh. The applicant proposes lights that will be downward directed and shielded, and that will not shine onto the freshwater marsh. To illustrate the potential impacts of its proposed lighting, the applicant has provided a map demonstrating that these lights will not spill into the marsh.

Another potential effect of the original design was that there was no pedestrian path or sidewalk. This could result in pedestrians being forced to use the maintenance road that surrounds the marsh for a walkway. While the maintenance road is intended to function as both a maintenance road and an interpretive trail, use by high numbers of pedestrians conflicts with the quality of the marsh as bird habitat. In response to this issue, the applicant has provided a bike/pedestrian trail set back five feet from Lincoln Boulevard so that recreational visitors and bicyclists can have a direct route farther from the marsh. As a result, the interpretive road on the top of the berm will not be used as a sidewalk. Although there will be public access to the maintenance road, the trail along the road side will connect to the other bike paths in the area.

A second issue is noise from Lincoln. Noise studies quoted in environmental documents usually show that highways are very noisy. For example, single-family houses are about half to two thirds as noisy as a high-speed highway. In response to this issue, the applicant has proposed to construct a low wall or a berm between the roadway and the edge of the marsh. The berm will be elevated about 3 feet above the level of the bicycle/jogging path and located between and the bicycle/jogging path which is slightly above the level of the road, and the marsh. The berm should reduce the sound of the road, since sound (and light) travel in straight lines. This will not completely shield the marsh from the noise of the road because Lincoln Boulevard and the bike/jogging path are higher than the marsh on the south end of the marsh, where the road cuts through the 70-foot high Westchester bluffs. Nevertheless, along most of the length of the marsh, the three-foot berm, or a small sound wall will protect the marsh from noise and light from Lincoln. (See Exhibits 1, 4, 5, 6 and 7.)

Finally, the applicant is proposing to plant both the widened medians and the roadside with native plants from the coastal prairie and coastal sage scrub that is found in the area. If there is productive habitat of the same plant community adjacent to restored habitat, planted strips can complement the restored habitat, providing additional refuges and feeding areas. The applicant is proposing to use plant species that are commonly found in the area. Plants from local seed banks or cuttings can make the planted strips function as part of the local restored habitat.

In response to the applicant's proposal the Commission finds that it can approve a wider road in this disturbed location, however because the proposed road is adjacent to a proposed restoration area, the Commission must require in Special Condition 1 that the applicant actually carry out the revisions that it has proposed, in Special Condition 2 that it use native plants common in the area, as much as practicable from local seed banks, and in Special Condition 3 that it submit its final lighting plan for the review and approval of the Executive Director, who is required to review the plan to sure that the lights installed at intersections do not spill over into the freshwater marsh, which is intended to become habitat. An area next to a restoration area can provide food for local insects, shelter for birds, and interbreed with plants in the local habitat. For this reason, in special condition 2, the applicant is required to use native plants that are common in the Ballona area in its landscaping plans, from local vegetative or seed sources. The Commission also requires

that the applicant refrain from installing non-native plants that might invade adjacent habitat and restoration areas, crowding out natives with plants that do not support native species in its landscaping. The applicant, in Exhibit 1, has proposed a landscaping plan. All but one plant on the applicant's suggested list conforms to these standards. Only one plant, Ceanothus, is a cultivar that is not from the region. Ceanothus is a chaparral plant, not a coastal sage scrub, coastal bluff scrub or wetland plant. The most common cultivar of Ceanothus comes from the central California coast. This would require removing *Ceanothus*, which is not found in the area from the landscaping plan. In carrying out Special Condition 2, Staff will request the applicant to seek a substitute for this plant from a list of locally found species. As proposed, and as conditioned, the project is consistent with the biological productivity goals of Sections 30231 and the habitat protect policies of Section 30240of the Coastal Act.

G. VISUAL IMPACTS.

Coastal Act Sections 30240 and 30251 state, in part:

> Section 30240
>
> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.
>
> Section 30251
>
> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The issues here are the visual quality of Lincoln Boulevard as a structure; whether the road as design will provide views for future open space and habitat areas, and whether the road as now proposed is compatible with the continuance adjacent areas as public park and habitat areas. The area directly to the west of the road, the freshwater marsh is a

catchment basin but also intended to be restored as freshwater marsh habitat. It has been offered for dedication to the State, or failing acceptance by the State, to the City of Los Angeles. This project it will add from 15 to 53 feet of pavement adjacent to the freshwater marsh. West of Lincoln and north of Jefferson, Area B Playa Vista is subject to an option agreement between the landowner and the Trust for Public Land, which may buy the portion of Area B that is located north of Jefferson Boulevard for restoration as a salt marsh. This project includes no physical improvements adjacent to Area B but it includes restriping of the highway adjacent to Area B. The purpose of the restriping is to taper the wider road from Jefferson to the existing bridge over Ballona Creek.

As originally conceived, this part of Lincoln did not provide views and was not itself a visual attraction. As originally proposed, the completed road would be a highly visible 140 foot-wide structure within a 152-foot right of way between Jefferson Boulevard and LMU Drive. The visual quality of Lincoln was not a concern either in the approved LUP or in the Playa vista Master Plan. The Playa Vista Master Plan, approved in an early form in the 1984 LUP, allowed 60 –120 foot high structures west of Lincoln. Views of the wetland would have been available from a frontage road west of these structures. The bottom two to three stories of the structures directly west of and adjacent to Lincoln would have consisted of parking structures which would have blocked views from Lincoln Boulevard. Views over the Freshwater marsh are now and would have been limited by the height of the berm installed to retain the water. Only because this portion of Lincoln will be placed on fill will any views over the freshwater marsh be available from Lincoln after the completion of this project. North of Jefferson Boulevard, if current proposals to purchase Areas A and B are successful, Lincoln Boulevard will be located on the eastern edge of a restored wetland habitat area.

In response to concerns about views from and of Lincoln Boulevard, the applicant is proposing a planted median strip and a widened area on the western side of the road between Jefferson Boulevard and LMU drive. Caltrans intends to plant the medians with native shrubs and the roadside with native trees and plants from the riparian and coastal sage scrub communities. Caltrans is proposing a node of taller trees on the berms, to frame the road. There would be a berm between the road and the bike path. The applicant has taken reasonable measures to reduce the visual impacts of a wide unrelieved road on the visual experience of driving on the road and viewing the road from the freshwater marsh. To accommodate wider planted areas, Caltrans is proposing to narrow the travel ways to 11 feet (See Exhibits 1 4, 5, 6 and 7)) which would allow planting along the median and along the edges of the road. This planting is not proposed north of Jefferson as part of the present project, but is part of a future project CDP 5-01-450.

In response to the need to connect recreational facilities with each other, the applicant has proposed to install a bike/jogging path connecting LMU Drive with the west side of Lincoln Boulevard, as far as Jefferson Boulevard. In order to improve compatibility with nearby habitat, the applicant has proposed to control water quality and to use native plants in landscaping. Special Condition 1 requires the applicant to build the road and amenities as proposed. Special Condition 2, as noted above, requires the use of native plants.

Special Conditions 3, 4 and 5 address impacts of the road and of construction on water quality, which is potentially the most serious issue with regard to the continuance of a saltmarsh adjacent to a major highway. Special Condition 6 addresses street lights, which Caltrans indicates are designed to limit spilling light outside the roadway and which will be limited to intersections and approaches t o intersections. As conditioned and as proposed, the project will minimize impacts on habitat, recreational uses and views; it is compatible with the long-term use and continuance of those areas as habitat and public open space. As proposed, the road is as subordinate to its setting and is consistent with Coastal Act Sections 30240 and 30251 with respect to impacts on views and on adjacent park and habitat areas.

H. WATER QUALITY MARINE RESOURCES

Sections 30230 and 30231 of the Coastal Act require the protection of marine resources. Roads are major sources of pollutants that flow into water bodies. The project will add 3.31 acres of impervious surface to an existing 14-acre road. The project is proposed in an area that included a historic wetland. The project however will drain into the Ballona freshwater marsh, a water treatment and restoration facility that is located on a former wetland. In order to protect water bodies and water quality from polluted run-off, Caltrans encourages trash removal programs. Caltrans states that there will be 1.45 acres of landscaped area, as part of this project and has provided a plant list.

Sections 30230, and 30231 of the Coastal Act state:

> Section 30230.
>
> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
>
> Section 30231.
>
> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Caltrans program for best management practices on highways includes the following:

> "The latest edition of the Caltrans Storm Water Management Plan dated August 2001 has the following approved Best Management Practices (BMPs) that Caltrans has found to be effective in treating highway runoff at the present time. Caltrans is continually conducting research and evaluation of all types of BMP products to determine what other BMPs Caltrans can adopt for use. Caltrans guidance design manuals recommend Source Control BMPs over Treatment Control BMPs as generally being more effective in addressing water quality. Source Control BMPs treat water prior to entry into the system, whereas Treatment Control BMPs treat water after it has entered the system.
>
> "A. Source Control BMPs:
> 1. Preservation of Existing Vegetation
> 2. Concentrated Flow Conveyance System
> a. Ditches, Berms, Dikes, and Swales
> b. Overside Drains
> c. Flared Culvert End Sections
> d. Outlet Protection/Velocity Dissipation Devices
> 3. Slope/ Surface Protection Systems
> a. Vegetated Surfaces
> b. Hard Surfaces
>
> B. Treatment Control BMPs:
> 1. Biofiltration: Strips/Swales
> 2. Infiltration Basins
> 3. Detention Devices
> 4. Traction Sand Traps (Only applies in Lake Tahoe Area)
> 5. Dry Weather Flow Diversion
>
> "Project designs generally incorporate several of the above mentioned source control BMPs that provide a water quality benefit. Some of these treatments may not be obvious (such as slope paving), however, they provide a water quality benefit by prevention of erosion and sediment flowing into the waterbodies, thus reducing the pollutant discharge.
>
> After taking a closer look, research conducted by Caltrans thus far has indicated that Drain Inlet Inserts (e.g. Fossil Filters) is an ineffective application for this type of highway project. In addition, Fossil Filters may present a safety hazard for the motoring public due to the potential for drain inlet failure, which would lead to flooding on the adjacent roadway. Several studies have been conducted by Caltrans in regards to their performance for use on some highway facilities." (Caltrans 2001)

On May 17, 2002, Caltrans submitted the "Post Construction Stormwater Quality Management Plan: Lincoln Boulevard Expansion: LMU Drive to Jefferson Boulevard" (WQMP) to Coastal Commission staff. The proposed WQMP meets water quality objectives outlined by staff and is designed to result in a system that:

1) "utilizes a BMP treatment train of a solids separator or bioswales and catch basins prior to treatment in the freshwater marsh
2) treats runoff from primarily existing and additional new impervious areas
    - provides an improvement in water quality overall as compared to existing conditions, and
    - meets or exceeds the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Caltrans standards and Coastal Commission water quality goals."

The WQMP proposes a treatment train approach to water quality protection through the use of a solids separator or bioswales, trash racks and catch basins. The BMPs have been designed to treat stormwater flow rates resulting from rainfall intensities of up to 0.2 inches per hour[11]. This sizing is appropriate, according to the applicant's consultant because the system drains into a treatment facility, the freshwater marsh, which adds to the effective capacity of the system. In addition, the freshwater marsh was designed to treat runoff from over a 1-inch storm from the entire built-out tributary area. These design standards applied to the BMPs and freshwater marsh together meet the 85th percentile standard for this area. The WQMP as proposed is sufficient to meet the post-construction conditions in this permit.

In considering the consistency of projects with the Coastal Act, the Commission has consistently required that the design of treatment control devices proposed be sized for a two year 24 hour storm event, and that the treatment occur in 85% of the storms. Because this project depends on the freshwater marsh and because it is located in a low lying area, the Commission has required that the applicant provide detailed hydrological calculations, outlining how the roadway and the water flowing off the roadway will work in conjunction with the freshwater marsh. The applicant has provided designs for supplemental drainage devices that afford pretreatment and a hydrological study that indicates that the drainage devices are sized adequately to carry off the water expected on the road. The applicant has now provided a narrative analysis describing how the roadway drains will work together with the marsh and the relationship of the timing of the expected completion dates of this and a related Lincoln Boulevard project north of Jefferson Boulevard (5-01-450). Caltrans, and the sponsor of the freshwater marsh, Playa Capital, assert that the freshwater marsh is sized to accommodate the road widening projects. The Commission agrees that the freshwater marsh facility, which is sized to accommodate 100 acre-feet, is sized adequately to handle major storms. Nevertheless, the Commission has imposed conditions to assure adequate pretreatment of waters entering the freshwater marsh.

The project drains into the freshwater marsh, and from the marsh, via a culvert, into Ballona Creek, an impaired water body. While this improves water quality of the discharge

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[11] Page: 37
0.24" would actually meet 85th%, according to our most recent Caltrans Data. .2 inches is different from the Rt. 90 project, which used .3" because of the function the various outlets and their role in the system, which in this case discharges into the freshwater marsh, which is a treatment facility.

into Ballona saltmarsh, the Department of Fish and Game in its February 1991 letter to the Commission expressed reservations about whether a treatment facility can also function as a healthy freshwater wetland and (5-91-463). In response to that issue; it is important, as much as possible, to limit the amount of pollutants entering the marsh by employing BMP's within the road drains and installing appropriate roadside landscaping.

The upland sources discharging onto Lincoln and into the freshwater marsh consist of a watershed including the Centinela Creek drainage, areas of Playa Vista and the Westchester Bluffs. Ballona Creek is listed as an impaired waterbody on the 303(d) list for numerous pollutants. Therefore it is appropriate to employ as many measures as feasible to ensure that the water discharged from this project is improved in quality from its present condition or that it is at least no worse, after the increased automobile traffic that will result from widening the road. The Commission has required in its conditions, measures to improve the quality of water discharged into the habitat. The Commission finds that it is possible to improve the quality of water discharged from the project by requiring 1) measures during construction to reduce runoff and siltation, 2) a solids separator, bioswales, catch basins and trash racks to treat road runoff before it enters the freshwater marsh for further treatment, and 3) that these measures to be effective in an 85th percentile storm.

Although the Commission has imposed standards to assure that the development does not add to pollutants of downstream waters, it does not require that the on site development "clean up" the stormwater that comes onto the property from upstream. The City and County of Los Angeles are subject to RWQCB orders to cleanup their stormwater discharge, if necessary by addressing runoff from individual sites within their jurisdictions. As the City and County comply with these orders, the quality of the water entering this property and leaving it will gradually improve. It is not the Commission's responsibility to enforce citywide standards that are the responsibility of the RWQCB to develop, adopt and enforce. It is only responsible to assure that the development approved does not conflict with any of the policies in Chapter 3 of the Coastal Act. The Commission is requiring, as noted above, that the treatment for runoff from this site be sized to treat water discharged during an 85th percentile storm. The applicant asserts, as noted in the WQMP, that the BMP's that it plans to incorporate into its project will improve the quality of the water discharged from the site. As conditioned the project is consistent with Coastal Act Sections 30230 and 30231 in terms of its potential impacts on water quality.

In addition, the Commission is requiring limits to the volume and velocity of runoff from the developed site. An increase in impervious surfaces disrupts the natural attenuation of runoff by natural drainage features and surfaces, and causes an increased peak runoff rate and volume. This can cause erosion, scouring, disturbance of downstream habitats, and increased peak flood discharge. The Commission routinely requires that developments mitigate for the increased volume and velocity of runoff to prevent the degradation that it can cause. In this case, the volume and velocity is held to no increase because of the proximity and sensitivity of the Ballona Wetlands and associated ecosystems. Moreover, the Commission has imposed requirements on the pollutant

concentrations and mass loadings in runoff. With the increased amount of runoff from the developed site due to the increase in impervious surfaces, there can be a decrease in concentration of pollutants per-unit water from pre-development levels, while still being an increase in the total amount of pollutants. Therefore, the Commission is imposing conditions ensuring that both mass loading and concentration of pollutants are minimized. These measures will protect the water quality of receiving waters.

A potential water quality impact of a construction project in an old oil field is the handling of older contaminated sediments. During the excavation of the adjacent project, freshwater marsh, some contaminated sediments (drilling muds and industrial discharges) were discovered. The coastal development permit did not anticipate or address this problem. However, the Regional Water Quality Control Board required the applicant for the freshwater marsh to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the DTSC, that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed. The Commission requires the in condition 4.A (11) that the applicant follow DTSC and RWQCB rules in handling of any contaminated material discovered.

A second potential water quality impact of a construction project that anticipates moving 66,529 cubic yards of earth is the avoidance of siltation during construction. Caltrans proposes to do the work in stages and use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust. The Commission has addressed the sediment issue by incorporating the construction BMP's proposed by the applicant enhanced by conditions similar to conditions that the Commission has imposed on similar projects.

Caltrans has indicated that it intends to bury lead-contaminated sediments under the roadway. The sediments will be placed no less than 1.5 meters (58 inches) above the ground water table. While, in general, burying lead-contaminated sediments is regarded as a benign solution to the problem (lead is generally not water-soluble and binds with clay and silt, which is found in marshy soils), it is not benign when the lead can interact with groundwater. The Commission in its special conditions has required that 1) Caltrans follow state standards from the Department of Toxic Substance Control (DTSC) and 2) the only sediments buried on site are those from the project itself; that Caltrans not use surplus <u>contaminated</u> earth from other sites for this purpose. In this way, Caltrans will reduce the amount of lead in the marshland system rather than increase it.

Similarly, Caltrans reuses and crushes asphalt. Again such a practice is approvable only if the stockpile does not itself pose a hazard or leach into sensitive areas and if the practice is confined to material removed from the site and the site is not used for processing or disposal of materials brought in from other projects. However, in this location the noise and dust of concrete/asphalt processing plant even for materials from the highway itself may be disturbing to the birds on the marsh and in the freshwater marsh. For this reason the Commission requires that Caltrans establish such a plant outside the Coastal Zone.

The Commission finds that the water quality issues can be adequately addressed through special conditions that, if applied to this development, will minimize pollution from run off. The conditions require pre-treatment of storm water and control of siltation during construction. The Commission finds that the water quality impacts of this project will be minimized to the maximum extent practicable if the measures required in Special Conditions 3, 4 and 5 above are undertaken, and, therefore, that the project as conditioned is consistent with Sections 30230 and 30231 of the Coastal Act.

I. HAZARDS.

The Coastal Act provides that development shall be sited and designed to avoid hazards. Section 30253 requires, in part:

> **Section 30253.**
>
> New development shall:
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

After the discovery of high levels of soil gas in Area D Playa Vista, the public has consistently expressed concern about the levels of soil gas in nearby areas. Tests conducted for a nearby project (Playa Vista Phase I, see substantive file documents) showed high levels of soil gas in an area south of Jefferson Boulevard (Exhibit). A report conducted by the Legislative Analyst of the City of Los Angeles City identified significant soil gas accumulations north of Lincoln Boulevard and south of Jefferson Boulevard. According to staff's best reading of the map prepared at the behest of the City Legislative Analyst, enclosed structures require mitigation in this area. However, this project is not an enclosed structure.

On a related project, the Route 90 Bridge, Caltrans sought an opinion from Gustavo Ortega, a Caltrans staff geologist, concerning the possible hazard of soil gas to its project. The geologist replied that methane is a potential hazard in confined spaces, but that there were no confined spaces proposed as part of the development of this bridge and ramp. Moreover, the Coastal Commission staff geologist, in an analysis of a proposal to expand Culver Boulevard, A-5-PLV-00-417, indicated that soil gas does not pose a hazard to roads or the vehicles on them because soil gas does not accumulate where there are no enclosed structures.

The soils in this area are made up of sediments deposited by creeks and other water bodies. There is a relatively high groundwater table. Adjacent to the newly constructed

freshwater marsh, which is on a former wetland, soils are soft and compressible. The area is also located in a liquefaction zone and in a tsunami run up zone. The applicant's geologists have considered these conditions and designed to accommodate these potential hazards. Next to the freshwater marsh, Caltrans geologists require that the road be constructed using geo web at its foundation. The project is located in an area that is protected from flooding by the Ballona Creek Channel.

This project is not located in an area of landslides, but is located in an area of soft soils and high ground water tables where the ground could liquefy if there is a large earthquake. An early report on the gas under the site identified a possible earthquake fault parallel to Lincoln Boulevard. Subsequent studies by other geologists have failed to confirm the existence of the fault. The fault, if it exists, is located east of Lincoln. Structures in liquefaction zones are required by state construction standards to assure safety of the occupants with special foundations. Caltrans geologists indicate that roads in liquefaction zones are assumed repairable; the Caltrans geologist asks no special protection for this project except to specify the use of geo web adjacent to the fresh water marsh, a source of moisture that might affect the soils under the road.

The evaluation of the hazards in this project is the responsibility of the applicant. The Commission finds that the project would not endanger life and property, consistent with Coastal Act hazard policies. However, since the design and the report are the responsibility of the applicant and the conclusion that the development is safe is based on the applicant's research and the evaluation of its consultants, the Commission imposes Special Condition 7 requiring that the applicant assume the risk of this development. As conditioned, the Commission finds that the project is consistent with the hazard policies of the Coastal Act.

J. PREJUDICE TO THE DEVELOPMENT OF THE LOCAL COASTAL PROGRAM.

As noted above, widening Lincoln Boulevard is one of the road-widening projects incorporated into the certified Land Use Plan for Playa Vista. In 1984, the Commission approved the Marina del Rey Ballona LUP. A number of road widening projects viewed as necessary to accommodate the development approved in the plan were adopted as part of the Circulation Element of the plan (Exhibit 3). Again, in 1987, the Commission approved parallel LUP's for the Marina del Rey and, in the City of Los Angeles, the Playa Vista LUP, that showed almost identical transportation system measures, including the present project.

Coastal Act Section 30600 states in part

> (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing

with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In 1984, the Commission certified a Land use Plan for this area that have been submitted by Los Angeles County, the Marina del Rey Ballona Land Use Plan. The Friends of Ballona Wetlands immediately sued the Commission and the County (Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826.) When the City of Los Angeles annexed the area, the City submitted an almost identical plan as it pertained to areas within its jurisdiction. On November 26, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program. The Friends of Ballona Wetlands added the City to their lawsuit.

The certified LUP contains policies to guide the types, locations and intensity of future development in the Playa Vista area. The LUP designated most of Playa Vista for intense urban development, reserving 163 acres as wetland and additional area for other habitat purposes. As noted above, the Land Use Plan portion includes the widening proposed in this project. When the Commission certified the LUP for this area in 1986, Lincoln Boulevard was proposed to be widened from a four-lane highway to an an eight-lane highway.

After settlement of the lawsuit, the applicant's predecessor submitted a Master Plan for Playa Vista to both the City and the County. In 1992, the City circulated both a Draft Master Plan EIR and a detailed Draft Phase I Playa Vista EIR, the latter of which the City certified in 1993. In Area B, the proposed Playa Vista Master Plan project would carry out the restoration program agreed to in the settlement. The Master Plan Project proposes restoration of over 198 acres of "estuarine"[12] habitat, the creation of a 26.1-acre freshwater marsh facility, the restoration of about 12 acres of dunes and construction of 1800 dwelling units and 20,000 sq. ft. of retail uses. The Master Plan did not include a final design for a restored wetland, but deferred the design until alternative wetland restoration plans could be analyzed in a Phase II EIS/EIR and in the amendment to the Land Use Plan.

The present owner of the Playa Vista development has now entered into an option agreement with the Trust for Public Land. The option agreement allows the Trust, if an agreement to can be final, to purchase the parts of Areas A and B that have been identified for development. All other parts of Area B have either been identified for restoration in the settlement or, in the case of the freshwater marsh, have been developed as a marsh/retention facility and offered to the State. In the mean time, Playa Vista's right to purchase Area C has lapsed, leaving for a limited time, the right of first refusal. If these changes in ownership occur, the intensity of the development in Playa Vista may be considerably less than envisioned in the certified Land Use Plan (LUP), which may result in changes in the Land Use Plan for the area.

[12]"Estuarine" includes saltmarsh, mudflat, tidal channels and salt flats

The Commission must consider whether approving the project now may prejudice the ability of local government, the City of Los Angeles, to adopt an LCP that is consistent with the Coastal Act and which will be most protective of resources. A certified Land Use Plan is not binding on the Commission. Until the Local Coastal Program is fully certified, the standard of review for development is consistency with Chapter 3 of the Coastal Act. As detailed in the sections above, the proposed project as conditioned is consistent with the applicable chapter 3 policies of the Coastal Act. As proposed, the project will not adversely impact coastal resources or access. The proposed development is consistent with the policies of the certified LUP and with coastal development permits that have been issued by the Commission and the City. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program.

K. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment. In this case, the Caltrans argues that it has considered a number of alternatives in order to lessen the environmental effect of the development.

Alternate routes: In its Project Report Caltrans considered alternative routes and found no route would accommodate the traffic that this route accommodates. Alternative routes to the west, such as Falmouth Avenue, Admiralty Way or Pacific Avenue have greater impacts on wetlands, and, in the case of Pacific Avenue, much greater construction costs because Pacific would have to bridge across the Marina the entrance channel. More easterly routes such as Inglewood or Centinela Boulevards cannot be widened without profound dislocation in residential areas. Moreover, these routes do not serve the traffic generators that the project will serve. (See Exhibit 34 for Caltrans' map of the routes that it studied and rejected in the project review process.)

Alternate modes. Caltrans considered mass transit. It indicates that mass transit accommodates such a small number of trips in Los Angeles (less than 5%) that adding mass transit opportunities on this route will not reduce the need for accommodations for cars. Caltrans also indicates that there are existing bus routes on Lincoln Boulevard. Nevertheless, Lincoln Boulevard is identified by the MTA for a high-speed bus, and Caltrans, since the February hearing, has in consultation with the Santa Monica bus company, added a bus stop to accommodate a double length high-speed bus. To

accommodate bicycle commuters, the applicant now proposes on-road bike lanes. Nevertheless, Caltrans argues that these enhancements will not obviate the need for more capacity for automobiles.

Design alternatives. The applicant has considered, and in some cases adopted, design alternatives to improve recreational use and to reduce visual impacts. In order to reduce visual impacts and to accommodate on-road bike lanes, it has reduced the width of the lanes to eleven feet. Caltrans has widened the roadside areas to accommodate more landscaping and an off-road bike/jogging trail. It plans to landscape the median and the roadsides with plants that are compatible with the freshwater marsh restoration efforts. The off road bike/jogging trail will connect LMU (Loyola Marymount University) in time, with the Ballona Creek bike path.

- Other design alternatives raised by opponents concerning this segment include:
- Could this road move to the east, “switching the right of way with a dedicated strip dedicated to a possible future light rail”?
- Could this road provide on-street parking?
- Could the undercrossing at Centinela Creek that is already approved be redesigned to accommodate foot traffic?
- Could this road be further narrowed or slowed down to facilitate crossing.

With respect to relocation of the road, Caltrans indicates that the location of the road is constrained by development on the east and west. The location of the widening of this segment of the road is limited by design for safety— at the south end of the project, the project will move the road to the west to reduce the steepness of the slope and to improve sight distance and reduce the angle of a dangerous slope. The location of the cut through the Westchester bluffs was determined when the road way was cut in the early years of the last century. The bridge over Ballona Creek was constructed in 1934. In the intervening time, construction has occurred adjacent to the road, increasing the difficulty of relocating it. The intersection at Jefferson and Culver Boulevard has been improved as approved in CDP 5-00-139. According to Caltrans:

> Caltrans looked into this possibility, and there are geometric (design) issues with this suggestion, and newly recorded tracts by Playa Vista on the east side of Lincoln Boulevard. We reduced the road width from the west side of Lincoln Boulevard. (Caltrans 2002)

Caltrans opposes on street parking due to safety and capacity issues. According to Caltrans on street parking is a possibility if they provided a narrower landscaped area along side of the road and if they provided no on road bike path. Caltrans states:

> Could Lincoln provide on-street parking? Not possible after we have reduced the lane widths to reduce roadway width, [there is a] safety issue for passengers opening doors into traffic on inclined section of Lincoln (from LMU Drive to Bluff Creek Drive). (Caltrans 2002)

With respect to crossing the road, Caltrans indicates that the design speed of the road is 45 miles per hour and that there are lights planned in several locations to control speed, allowing pedestrians and bicyclists to cross, at Jefferson Boulevard and at Bluff Creek Road where the bicycle/jogging trail crosses Lincoln Boulevard.

With respect to the Centinela Creek undercrossing, Playa Vista, the developer of the freshwater marsh that is responsible for construction of the Centinela Creek undercrossing, indicates that the undercrossing is eight feet by eight feet with a ledge to accommodate animal passage. However, the spokesperson states that allowing people to pass under it was rejected at the time of certification of the EIR due to potential safety issues. Caltrans has no comment on this issue.

The Commission has also discussed the option of a six-lane road instead of an eight-lane road. In response to this, in February 2002, City of Los Angeles transportation planners testified to the Commission that noise and air pollution would increase due to the congestion resulting from a narrower road.

The Commission has considered denial of the application. The applicant asserts that the project is necessary to maintain existing roadway capacity in light of traffic levels on Lincoln Boulevard. The applicant asserts that the no-project alternative is not viable. The traffic the project is designed to address would still use this route. Traffic would continue to increase because traffic generators such as the airport will continue to expand. Projects such as Phase I Playa Vista that have been approved, will build out, resulting in worsened congestion and increased accidents and air pollution. The applicant argues that several traffic generators have been approved, and that failure to provide wider streets would simply add to congestion. (See Exhibit 20 and traffic counts provided on page 18, above.)

At its February 2002 hearing, the Commission considered whether it could approve this project without also considering a related project, CDP number 5-01-450, which would widen Lincoln Boulevard north of Jefferson Boulevard widening a bridge to allow Lincoln to increase to eight lanes near Ballona Creek.

The issues raised in February included:

- Whether the Commission would be likely to require relocation Lincoln between Jefferson Boulevard and Fiji Way to avoid habitat impacts when the it considers 5-01-450 “Lincoln north”: widening Lincoln north of Jefferson Boulevard and the Ballona Creek bridge to 8 lanes. .
- Whether upon consideration of park design issues, whether a design that would be preferable for Area B north of Jefferson Boulevard would be incompatible with this design.
- Whether this segment would be functional if the northern section could not be widened.

The Commission considered whether the route of the road would be compatible with any likely alternative location of the more northerly portions of Lincoln Boulevard. The Commission notes that the location of Lincoln Boulevard at 85th street and at Fiji Way is fixed. Lincoln Boulevard, however, has a slight curve throughout Playa Vista, which could vary to avoid sensitive habitat. At the Commission staff's request, the applicant prepared a survey of vegetation located adjacent to Lincoln Boulevard north of Ballona Creek. North of Ballona creek Lincoln Boulevard passes between Areas A and C, two large vacant parcels that once supported wetlands. During the construction of the Marina del Rey Small Craft Harbor, these areas were filled with dredge spoils. There is some residual habitat on each parcel—about 21 acres of Salicornia marsh and some coastal sage scrub on Area A, a smaller wetlands area and some coastal sage scrub, including some Lewis' evening primrose, a plant of concern, on Area C. On Area C, a well-defined line of *Atriplex lentiforma* follows the Marina Drain, a mapped wetland.

The survey showed that the areas nearest Lincoln, with the exception of the Marina Drain, did not support sensitive plants or wetlands. Instead, the more sensitive plants were located farther away from the road (Exhibit 26). This is consistent with earlier surveys undertaken on behalf of the owners. While Dr. Dixon has visited once, a more detailed visit will be necessary before this survey is confirmed. Nevertheless, the general pattern, the location of more sensitive plants farther from the road, is likely to persist even if individuals plants of concern are found. While the Commission cannot yet determine whether widening of the northern parts of Lincoln Boulevard can be found consistent with the Coastal Act, it is most likely that relocating Lincoln adjacent to Areas A and C significantly to the east or west would be more likely to displace sensitive habitat that an widening the road in its present location. If that portion of the highway is allowed to be widened, it is most likely to be widened in its present location. Therefore the Commission finds that widening the southern portion of Lincoln as proposed in this project would not limit the Commission's future choices with respect to other proposals to widen Lincoln Boulevard.

The second issue is whether the road widening proposed in this project can function without the widening of the more northerly part of Lincoln. This project, according to Caltrans, directs traffic to Jefferson and Culver Boulevards and from there, to the 405 and Marina Freeways. The road widening carried out in this project and in 5-00-139W tapers to the Ballona Creek Bridge after major traffic is able to turn onto Jefferson and Lincoln Boulevards. Caltrans asserts that this project in itself will alleviate traffic problems, although it indicates that it would prefer to have both projects approved. In response to this issue, Caltrans provided two documents, one of which indicates that each segment of the two-segment Lincoln boulevard project (this project and 5-01-450) can function independently. The second document is a study by Kaku associates showing that there is adequate capacity to handle traffic expected without also widening Lincoln north of the Culver Loop (Exhibits 10 and 11.)

In this case, in response to comments from the Commission and the public the applicant has suggested additional mitigation measures and changes in the project that would

lessen any significant adverse effect which the activity may have on the environment. The Commission has imposed special conditions to assure that the changes and mitigation measures are carried out in the project. There are no additional feasible alternatives or mitigation measures available that could substantially lessen any remaining significant adverse impact the activity may have on the environment. Therefore, the proposed project is consistent with CEQA and the policies of the Coastal Act.

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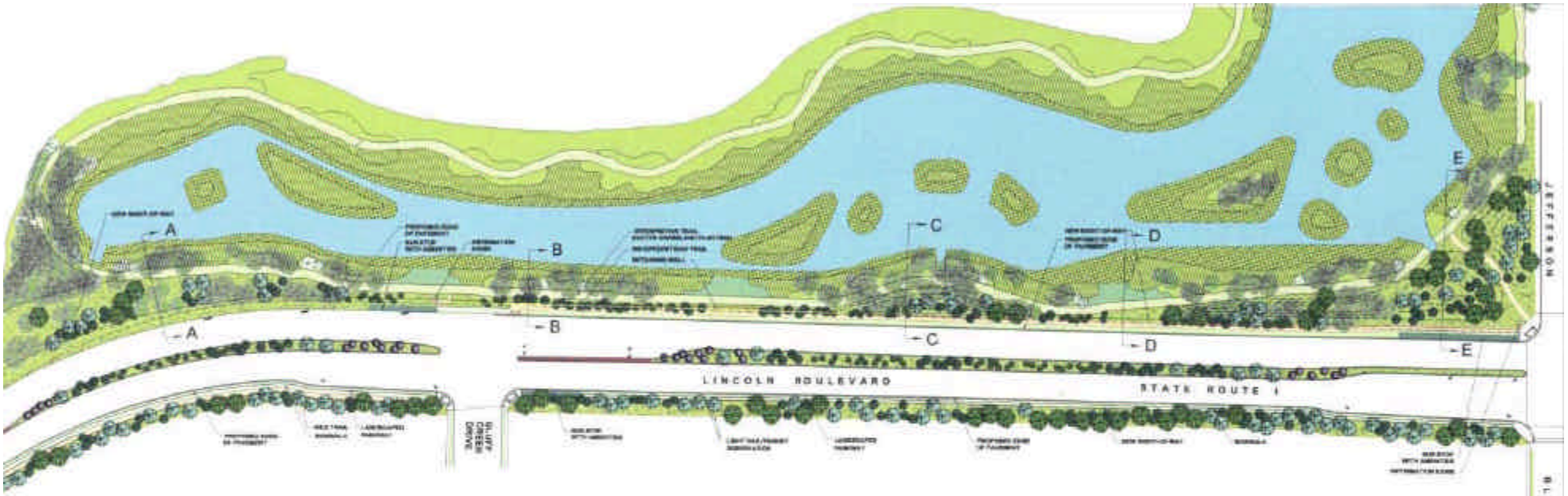
SUBSTANTIVE FILE DOCUMENTS

1. Environmental Impact Report, First Phase Project for Playa Vista, EIR No. 90-0200-SUB(c)(CUZ)(CUB) State Clearinghouse No. 90010510; Appendix D Mitigation and Monitoring Program; Mitigation Measures Tracts 49104 and 52092.
2. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
3. Playa Vista Entertainment Media and Technology District, Mitigated Negative Declaration, Playa Vista Plant Site (Addendum to Environmental Impact Report First Phase Project for Playa Vista), August 1995.
4. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
5. Caltrans, Negative Declaration, based on Initial Study/Environmental Assessment for State Highway Route 1 Lincoln Boulevard widening from Jefferson Boulevard to Fiji way; construction of New Bridge over Ballona Creek and Replacement of Culver Boulevard Overcrossing, March 28, 2001 (SCH#200121126)
6. Los Angeles County Marina La Ballona certified LUP, October 1984.
7. Los Angeles County, Certified Marina del Rey LUP, 1987
8. City of Los Angeles Certified Playa Vista LUP, 1987.
9. Barton-Aschman Associates, inc., Playa Vista Study Area, Transportation Analysis, 1995 (prepared for Summa Corporation, November, 1982.
10. Barton-Aschman Associates, inc., Addendum to Playa Vista Study Area, Transportation Analysis, 1995 (prepared for Summa Corporation, February, 1993.
11. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10,1993.
12. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
13. Coastal Development Permits and Appeals: A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2, extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139W, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; 6-97-161,
14. Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4th 493.
15. City of Los Angeles City Engineer, Memorandum Public Works Review of ETI Report Titled “Subsurface Geo-chemical Assessment of Methane Gas Occurrences” for the Playa Vista project; file 1996-092; May 10, 2000
16. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or “the ETI report.”]
17. Camp Dresser and McKee 2000, “Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project” 4 page

geologic letter report to Maria P Hoye dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
18. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March 2001.
19. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: "Culver Boulevard Widening Project and Potential Soil Methane Hazards"
20. Gustavo Ortega, C.E.G., C. HG., Memorandum, January 24, 2001 to Ron Kosinski, Additional Information LA-01-KP 48.9 ad KP 49.0 "addressing …some comments with regard to underground methane gas anomalies found in the Playa Vista project."
21. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
22. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991."
23. California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998"
24. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
25. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
26. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
27. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
28. Agreement in Settlement in Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826
29. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
30. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers,
31. Davis and Namson, Consulting Geologists, "An evaluation of the subsurface structure of the Playa Vista Project Site and Adjacent Area, Los Angeles, California", November 16, 2000.
32. California Regional Water Quality Control Board, Los Angeles Region, "Clean Up and Abatement Order No. 98-125,Playa Capital Company, LLC., and Playa Phase I Commercial Land Company, LLC.; 6775 Centinela Avenue Los Angeles, File No. 98-192.
33. Sharon Lockhart, et. Al., Water Demand: Proposed Ballona Freshwater Wetland System; June 1991.
34. Camp, Dresser and McKee, Inc., Water Balance for the Proposed Freshwater Wetland system, Playa Vista, June 1991.
35. Land/Suitability Capability Study, a Summary of the Significant Ecological Areas Report, Los Angeles County General Plan Revision Program, 1976.

36. England and Nelson, Los Angeles County Museum of Natural History; Los Angeles County Significant Ecological Areas Study, 1976.
37. GeoSyntec Consultants, “Post Construction Stormwater Quality Management Plan: Lincoln Boulevard expansion: LMU Drive to Jefferson Boulevard” prepared on 14 May 2002 for Caltrans.



LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY
	White Alder - Proposed	Alnus rhombifolia	94
	Western Sycamore - Proposed	Platanus racemosa	90
	Holly-leaf cherry - Proposed	Prunus ilicifolia	27
	Toyon - Proposed	Heteromeles arbutifolia	155
	Lemonadeberry - Proposed	Rhus integrifolia	116
	Mulefat - Proposed	Baccharis salicifolia	N.A.
	Coyote Bush - Proposed	Baccharis pilularis	N.A.
	Currant - Proposed	Ribes speciosum	N.A.
	Ceanothus - Proposed	Ceanothus spp.	N.A.
	Native Grasses - Proposed		N.A.

SYMBOL	COMMON NAME	BOTANICAL NAME
	White Alder - Existing	Alnus rhombifolia
	Western Sycamore - Existing	Platanus racemosa
	Cottonwood - Existing	Populus fremontii
	Southern California Black Walnut - Existing	Juglans californica
	California Laurel - Existing	Umbellularia californica

BUS STOP AMENITIES

CONCEPTUAL LANDSCAPE PLAN FOR LINCOLN BOULEVARD ADJACENT TO FRESHWATER MARSH

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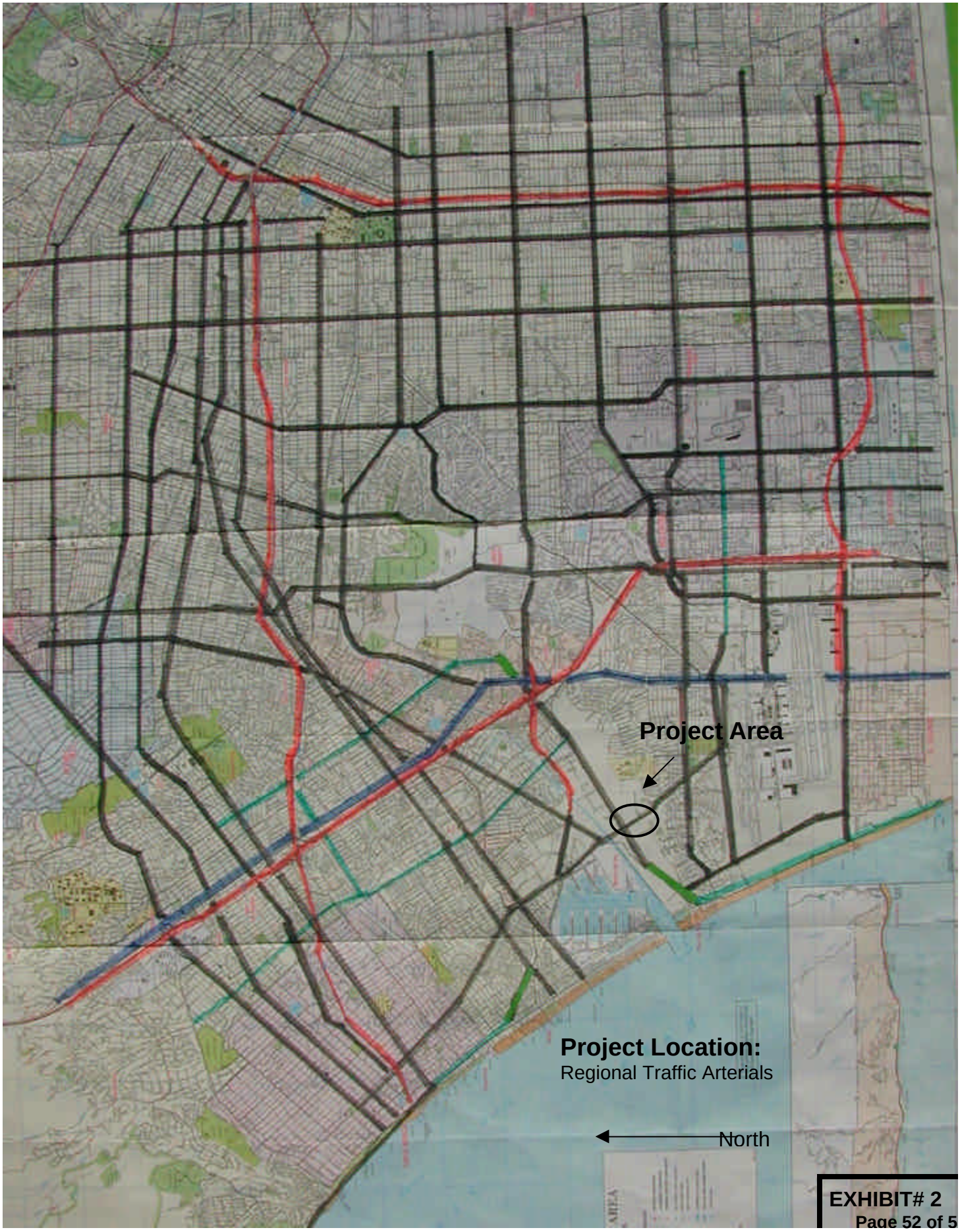
Project Area
Project Location:
Regional Traffic Arterials
North
EXHIBIT# 2
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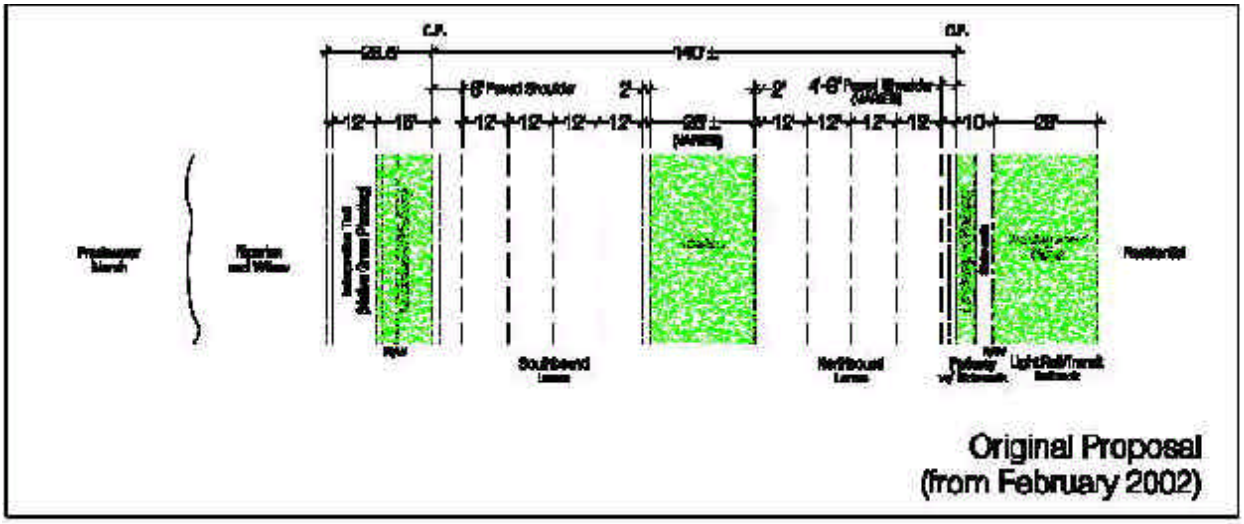

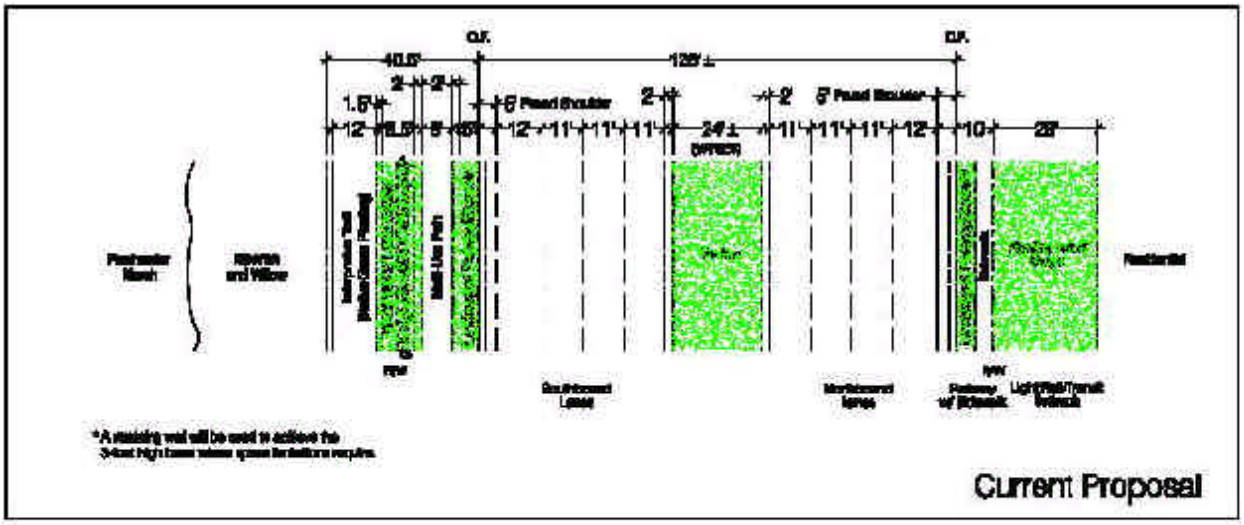

Original and Current
Improvement Sections (Generalized)
for Lincoln Boulevard Adjacent to Freshwater Marsh

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